

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74459 of 2022

Arising Out of PS. Case No.-394 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Mithilesh @ Mita @ Mita Yadav, Son of Lakhandev Yadav @ Lakhandev Singh, Resident of Village - Asani, P.S.- Udwantnagar, District - Bhojpur at Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Udwantnagar P.S. Case No. 394 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 170 liters of liquor has been recovered from plastic bags kept under a bridge.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that search and seizure has not been made as per



the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 26.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge Excise, Excise Court No.II, Bhojpur, Ara, in connection with Udwanthnagar P.S. Case No. 394 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of



similar nature after enlargement on bail, his bail bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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