

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1341 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- BARAULI District- Gopalganj

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MRITUNJAY KUMAR YADAV SON OF MUNILAL YADAV R/O VILL.-
MAMAUR GUTHANI, P.S.- GUTHANI, DISTT.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.12.2022, in connection with Barauli (Madhopur O.P.) P.S.
Case No. 449/2022, F.I.R. dated 08.12.2022, for the offence
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

According to prosecution case, 102.960 litres of illicit
foreign liquor has been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.



He further submits that from bare perusal of the F.I.R as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from a car in question. He further submits that the petitioner is neither the driver of the alleged car nor the owner of the car in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.12.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj, in connection with Barauli (Madhopur O.P.) P.S. Case No. 449/2022 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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