

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79718 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- MIRGANJ District- Gopalganj

Mantu Yadav Son of Vijay Yadav @ Vijay Kumar Resident of Village - Kawal
Hatta, P.S.- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the State : Mr. Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 441 of 2022 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Prosecution case relates to recovery of total 186.6
liters Indian made liquor along with motorcycle, which were
recovered from back side of the *Panchayat Bhawan*. It is further
alleged that two co-accused persons were apprehended while the
petitioner fled away.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 03-06-2023. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has been surfaced in this case due to confessional statement of co-accused, namely, Guddu Kumar Yadav and Shailesh Singh Kushwaha, who have been granted bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 10467 of 2023 and Cr. Misc. No. 17161 of 2023, respectively. Petitioner has no concern with the recovered liquor. Petitioner is not the owner of the vehicle. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mirganj



P.S. Case No. 441 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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