

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42970 of 2022**

Arising Out of PS. Case No.-65 Year-2022 Thana- CHANAN District- Lakhisarai

Mithilesh Yadav, S/o Govind Yadav, R/o village- Sangrampur, P.S.- Chanan,  
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      30-09-2022      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bhola Prasad, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Chanan P.S. Case No. 65 of 2022 registered for the offence punishable under Section 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The police in course of raid intercepted a tempo and two motorcycles. The petitioner was apprehended while he was sitting in the tempo and on search total 80 litres of country made



liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being driver of the tempo was not even aware as to what was being carried by the passengers. However, the police in course of raid apprehended the petitioner on suspicion though the petitioner, having fair antecedent, is in custody since 29.04.2022. He next submits that the petitioner has no concern with the alleged recovered illicit wine apart from the fact that now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the tempo in question runs for carrying of goods and commutation of passengers and so far the petitioner is concerned, having fair antecedent, is in custody since 29.04.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 4<sup>th</sup> cum Special Judge Court- 1<sup>st</sup>, Lakhisarai in connection with Chanan P.S. Case No. 65 of 2022, subject to



the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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