

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26722 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- BANKA District- Banka

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1. RAJENDRA MANDAL S/o Late Harchu Mandal Resident of Village-Barahat, P.S.-Barahat, District-Banka.
 2. Babloo Sah S/o Sitaram Sah Resident of Village-Barahat, P.S.-Barahat, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners seek bail in Banka (Barahat) P.S. Case No. 114 of 2020 (Special Excise Case No. 70 of 2020), registered for the offence punishable punishable under Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

On 10.02.2020 while the police were on patrolling duty, they received secret information and to verify the same they reached near Molha Bandh. They saw three persons in



inebriated condition were abusing the general public and after seeing the police party they tried to flee away, but were nabbed by the police and disclosed their names as Rajendra Mandal petitioner no. 1, Babloo Sah petitioner no. 2 and co-accused Dabloo Rajak. In breath analyzer test, it was confirmed that all the accused persons have consumed liquor.

It is submitted that petitioners have falsely been implicated in this case. Petitioner are in custody since 11.02.2020 having clean antecedent, as stated in para 3 of the bail petition.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Banka in connection with Banka (Barahat) P.S. Case No. 114 of 2020 (Special Excise Case No. 70 of 2020) subject to following conditions:-

(i) The petitioners 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be



cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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