

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14942 of 2021**

Arising Out of PS. Case No.-256 Year-2020 Thana- KATORIYA District- Banka

1. Chhatish Kumar S/O Amit Rajak
2. Manish Mandal @ Manish Kumar S/o Nand Kishor Rai all R/o village-
Riga, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 29-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Section 30(a) and 56(D) of the Bihar Prohibition and Excise Act, 2016 and Section 3 of the Mahua Flower Rule, 2016.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious



possession of the petitioners rather 1000 kg of Mahua flower and 150 litres of illicit liquor is said to have been recovered from the Pick Up Van. He submits that petitioner no. 1 is driver of the said Pick Up Van and petitioner no. 2 is the rider of the motorcycle. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 11.12.2020.

Petitioner no. 1 is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs. 5000/- (Rupees Five Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Banka in connection with Katoriya P.S. Case No. 256 of 2020, Spl, Excise No. 734 of 2020, subject to the conditions:

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file



an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of above-mentioned amount in the PM Cares Fund.

(Anjani Kumar Sharan, J)

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