

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21564 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- KURSAKANTA District- Araria

1. Bikku Kumar Mandal S/O Mathuranand Mandal @ Mahranand Mandal R/O Village-Gosaipur, Shankarpur, Kursakanta, District-Araria.
2. Umanand Mandal S/O Uchit Lal Mandal R/O Village-Laxmipur Haldhara, P.S.-KURSAKANTA, District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four 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 connection with Special Case No. 34 of 2021 arising out of Kursakanta (Sonamani Gudam) P.S. Case No. 06 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical



possession of the petitioners rather 141 liters of Nepali liquor is said to have been recovered from the possession of the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that on the same day they had altercation with the informant when he was in the market a few hours later they were apprehended by the informant and taken into custody without any reason. He further submits that there is gross violation in the procedure of search and seizure conducted under Section 100 of the Cr.P.C. Petitioners have no criminal antecedent as has been mentioned in para-3 of the present petition and have been languishing in custody since 08.01.2021

Petitioners are agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) each in 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.

Having regard to the facts and circumstances of case, let the above named petitioners, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No. 34 of 2021 arising out of Kursakanta (Sonamani Gudam) P.S. Case No. 06 of 2021 subject to following conditions:

(1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000 (Rupees Five Thousand) each in PM Cares Fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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