

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22805 of 2021**

Arising Out of PS. Case No.-242 Year-2020 Thana- KHAJAU LI District- Madhubani

1. Md. Chand, S/o Md. Taiyab R/o village- Harinagar, P.S.- Rajnagar, District- Madhubani
2. Suraj Mandal S/o Devendra Mandal @ Devinder Mandal R/o village- Dumari Khas Mahal, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 22-11-2021 Heard learned counsel for the petitioners as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners seeks bail in connection with Khajauli
P.S. Case No.242 of 2020 registered under Sections 272, 273,
414/34 of the Indian Penal Code and under Section 30(a) of
Bihar Prohibition and Excise Act, 2016 as amended up-to-date.

Prosecution story in brief is that on 12.12.2020 the
informant while patrolling recovered one abandoned Scorpio
bearing Registration No. BR-32D-4114 having Chasis
No.MAITA2GCK82L7335, Engine No.GC84L17642 near
Thahar Railway Gumti Chowk at about 00.20 hours. It has



further been alleged that some persons near the said vehicle started fleeing away after seeing the police jeep, however, the petitioners along with other co-accused were arrested.

Learned counsel appearing on behalf of the petitioners submits that nothing has been recovered from his conscious possession and from bare perusal of the FIR, it has been found that the said vehicle is not registered in the name of the petitioner. It has further been stated that petitioners have clean antecedent and are languishing in jail since 13.12.2020 and as such petitioner be released on bail.

Learned counsel appearing on behalf of the State submits that a through inquiry was made and petitioner was arrested along with co-accused Md. Chand and huge quantity of Nepali liquor has been recovered and as such do not deserves to be released on bail.

Having considered the facts and circumstances of the case, nothing having been recovered from the conscious possession of the petitioners, I am of the opinion that this is a fit case and the petitioners be released on bail. Let the petitioners above named be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge, Ind-cum-Special Judge, Excise Act, Madhubani
in connection with Khajuali P.S. Case no.242 of 2020, subject to
the following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(2) Petitioners shall co-operate in the trial and shall be
properly represented on each and every date fixed by the court.

(3) 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.

(4) If the petitioners are found involved in similar
nature of offence, after release on bail, the trial court shall take
steps to cancel their bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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