

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8888 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- SAHARGHAT District- Madhubani

1. MAHENDRA MANDAL S/O LATE BACHHARAN MANDAL R/O VILLAGE MUSHAHRI, MUKHIYAPATTI, P.S. SAHARGHAT, DISTRICT MADHUBANI
2. HARI LAL MANDAL S/O MAHENDRA MANDAL R/O VILLAGE MUSHAHRI, MUKHIYAPATTI, P.S. SAHARGHAT, DISTRICT MADHUBANI

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 At the outset, learned counsel for the petitioner seeks permission to make correction as regards address of both the petitioners. It is stated that that both the petitioners are resident of Village-Mushahri, Mukhiyapatti, P.S.-Saharghat, District-Madhubani Let the same be read accordingly.

Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioners in the present case are seeking regular bail in connection with Saharghat P.S. Case No. 110 of 2020



corresponding to G.R. No. 1252 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

Learned counsel for the petitioners submits that as per the prosecution story, the informant while on patrolling duty got information about huge quantity of illicit wine kept in community hall in Mushahari Tola. On seeing the police party the accused persons fled away and the nearby persons revealed the name of the petitioners. Thereafter the community hall was searched and a total of 1035 litres saufi wine was seized.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case on mere suspicion. It is further submitted that nothing has been recovered from the conscious possession of the petitioners. Learned counsel submits that the petitioners are in custody since 01.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the recovery of illicit liquor has been shown from a community hall situated in Mushahari Tola, so far as these



petitioners are concerned, they were not present in the said community hall, the submission being that the petitioners have been made accused on mere suspicion, they are in custody since 01.10.2020 and prior to the present case they had no criminal antecedent, investigation against them is complete, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 110 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

