

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2152 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- JAYNAGAR District- Madhubani

1. Ramprakash Mandal Son of Late Pulkit Mandal Resident of Village - Barhi Chatar Shilanath Ward no.12, P.S.- Jaynagar, Distt.- Madhubani.
2. Subhas Kumar Yadav Son of Late Muneshwar Yadav Resident of Village - Kaluahi Ward No.5, P.s.- Kaluahi, Distt.- Madhubani.
3. Sanjay Kumar Yadav Son of Amrendra Yadav Resident of Village - Dhanga West , P.S.- Arer Ward No.10, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Jaynagar P.S.Case No. 327 of 2021 for the offences punishable under Sections 414 of the Indian Penal Code and 30(a) (d) of the Bihar Prohibition & Excise Act.



As per the prosecution case, it is alleged that on 02.11.2021, while the informant was checking vehicles, he intercepted four motorcycles and apprehended three persons. However , it is alleged that one accused was fled away after leaving his motorcycle and other three were caught by the police. On search being made 174 liters Nepali liquor were recovered from a bag.

It is submitted by the learned counsel for the petitioners that petitioners have no concerned with the said motorcycle nor the bag containing Nepali liquor. It is further submitted that all the three accused petitioners are in custody since 03.12.2021 and the investigation has already been concluded and the charge sheet has been submitted. It is lastly submitted that the petitioners have clean antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that all the three persons caught by the police and on search recovery has been made from them.

Having heard the rival contentions of the



parties and taking into consideration the fact that the recovered motorcycles do not belong to the petitioners nor the vehicles were stolen property, apart from the fact that recovery has been made from a bag which was not specifically carrying by these petitioners and they are in custody since 03.12.2021 having fair antecedent, though, investigation has already completed and the charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Madhubani in connection with Jaynagar P.S.Case No. 327 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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