

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11244 of 2022

Arising Out of PS. Case No.-606 Year-2021 Thana- GOPALPUR District- Bhagalpur

1. CHATTU MANDAL SON OF LATE BALESHWAR MANDAL
RESIDENT OF VILLAGE- DUMARIA, P.S.- GOPALPUR, DISTRICT-
BHAGALPUR
2. MITHUN KUMAR SON OF LATE BALESHWAR MANDAL RESIDENT
OF VILLAGE- DUMARIA, P.S.- GOPALPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for
the offence under Sections 30(a)(b)(c) of the Bihar
Prohibition and Excise Act.

Recovery is of 10 liters of country made liquor and
600 liters of unprocessed liquor.

Learned counsel appearing for the petitioners
submits that the petitioners, who are of clean antecedent,
are innocent and have falsely been implicated in this case
only on the basis of suspicion. He further submits that
nothing has been recovered from the conscious possession



of the petitioners rather the alleged recovery has been made from the house of the petitioners and the petitioners have no concern at all with the alleged recovery. He further submits that there is no compliance of Section 100 of the Cr.P.C. The petitioners are rotting in judicial custody since 30.12.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten 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 Gopalpur P.S. Case No. 606 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty



to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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