

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15778 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- KHIRHAR District- Madhubani

Rakesh Kumar Mandal Son Of Ram Lochan Mandal Resident Of Village -
Salha, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defects(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Khirhar
P.S. Case No.98 of 2021 registered for the offences punishable
under Sections 272, 273, 414 of the Indian Penal Code along
with Section 30(a), of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
88.800 Nepali country made liquor from motor cycle in question
and petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.12.2021 and bears no criminal
antecedent. Charge sheet has already been submitted in the case



and there is no likelihood of tampering the evidence. He further submits that petitioner has neither any concern with the alleged seized liquor nor he has concern with the seized motorcycle. The name of the petitioner has been falsely implicated in the case.

Learned A.P.P for the State opposes the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge Excise, Madhubani in connection with Khirhar P.S. Case No. 98 of 2021, subject to following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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