

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27869 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- KUDHNI District- Muzaffarpur

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Mukesh Mandal Son of Wakil Mandal @ Aklu Mandal @ Abhay Mandal
Resident of Village - Bakarpur, P.s.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Kudhani P.S. Case No. 64 of 2022 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.

As per the prosecution case, it is alleged that the police on secret information raided the house of the petitioner however it is alleged that noticing the police party



petitioner fled away. It is further alleged that on search total 33.480 illicit Indian made foreign liquor has been recovered.

Learned counsel for the petitioner submits that recovery which has been shown to be made from the washroom of the petitioner belongs to joint family property and does not exclusively belongs to him. It is next submitted that the petitioner was neither arrested on the spot nor any incriminating material has been recovered and moreover, he is a man of fair antecedent and is in custody since 12.02.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from the washroom which comes under the possession of joint family and moreover, this petitioner is having fair antecedent and is in custody since 12.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kudhani P.S.Case No. 64 of 2022 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 petitioner will cooperate in conclusion of the trial.

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

(iii) He 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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