

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40338 of 2021

Arising Out of PS. Case No.-87 Year-2021 Thana- RAJAOLI District- Nawada

1. MANTU RAJBANSHI Son of Late Shivbalak Rajbanshi Resident of Village- Hardiya, P.S.- Rajauli, District- Nawada, Bihar.
2. Gorelal Rajbanshi Son of Late Shivbalak Rajbanshi Resident of Village- Hardiya, P.S.- Rajauli, District- Nawada, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv

For the Opposite Party/s : Mr.Kanhaiya Kishor, App

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners who are in custody since 03.06.2021 seeks regular bail in connection with Rajauli P.S. Case No. 87 of 2021 registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that 20 litres of *mahua* liquor was found near *Durga Mandir* under jurisdiction of Hardia, Police Station. It is alleged that petitioners were seen



fleeing away from the place of occurrence.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in the present case and nothing has been recovered from their conscious possession. He further submits that *mahua* liquor is prevalent among the cast of the petitioners and at the best the liquor was taken near the temple for offering. He further submits that petitioners are in custody since 03.06.2021 and they have got one criminal antecedent in connection with Rajauli P.S. Case No. 592 of 2020 registered for offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and the customary of the area, the petitioners are directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd-cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 87 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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