

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44728 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- FULKAHA District- Araria

Manoj Kumar Mehta, Son Of Gulten Mehta, R/O Village- Ram Nagar, P.S.-
Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45599 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- FULKAHA District- Araria

Suresh Kumar Mandal, Son of Late Mahendra Mandal, Resident of village -
Kaushali Patti, Ram Nagar, Ward No. - 8, P.S.- Pipra, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44728 of 2022)

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 45599 of 2022)

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Since both the applications arise out of Fulkaha P.S.

Case No. 64 of 2022, as such, they have been taken up together
and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.



In the present case, the petitioners seek bail in connection with Fulkaha P.S. Case No. 64 of 2022 registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 432 litres of Nepali Country made liquor was made from a Wagon R Car which was being driven by the petitioner Manoj Kumar Mehta and petitioner Suresh Kumar Mandal has been sitting as a co-passenger in the said car.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. Co-accused Arjun Kumar loaded some cartons on the vehicle to deliver the same to his house. The petitioners have no concern either with the vehicle or the seized liquor except that the petitioner Manoj Kumar Mehta is the driver of the vehicle. Charge-sheet has been submitted in this case and the petitioners are in custody since 13.06.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



clean antecedent of the petitioners along with submission of charge-sheet and their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise- II, Araria, in connection with Fulkaha P.S. Case No. 64 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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