

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48676 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- KHUTAUNA District- Madhubani

Dharam Mandal S/o Vishnu Dev Mandal @ Vishnu Mandal R/o village-
Khushiya Patti, P.S.- Khutauna, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Khutauna P.S. Case No. 58 of 2021 corresponding to G.R. No.
768 of 2022 lodged under Sections 272, 273 of the I.P.C. read
with Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 663
litres of wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the total recovery has been made from the Mango
orchard of one Balram Yadav. Petitioner is no where related to

Balram Yadav. Counsel further submits that he is in custody since 08.12.2021. Learned counsel for the petitioner submits that petitioner has been remanded in this case only and only due to the reason that his criminal antecedent was not clean and there were 2 criminal cases pending against him. Petitioner further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Dist.- Madhubani in connection with Khutauna P.S. Case No. 58 of 2021 corresponding to G.R. No. 768 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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