

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66075 of 2021**

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

RAJNISH SINGH @ MUNNA SINGH SON OF LATE HARISH
CHANDRA SINGH RESIDENT OF VILLAGE- BISHANPUR, P.S-
BENIPATTI, DIST- MADHUBANI, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69966 of 2021

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

1. SURAJ NARAYAN MANDAL @ SURAJ NARAYAN MAHTO S/o Late
Khakhan Mahto Resident of Agrepatti, P.S.- Benipatti, District- Madhubani
2. JOGENDRA KAMAT S/O KAPILESHWAR KAMAT R/o village-
Dhankaul, P.S.- Jale, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66075 of 2021)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

Ms. Preety Kunwar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 69966 of 2021)

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 26-04-2022

Heard learned counsel for the parties.

The petitioners have preferred this application for
grant of regular bail in connection with Benipatti P.S. Case
no.217 of 2021 registered under sections 272, 273 and 120B of



the Indian Penal Code and sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the petitioner Rajnish Singh was arrested at the spot and 649.125 litres of liquor was recovered from his Bolero vehicle. It is also stated in the F.I.R. that seeing the police personnel, about 10-15 accused persons made an attempt to escape. Four of the accused including Suraj Narayan Mandal and Jogendra Kamat were arrested and 0.75 litres of liquor was recovered from their possession.

It is submitted by learned counsel for the petitioners that the petitioners have no criminal antecedent, no incriminating article has been recovered from their possession and they are in custody since 1.10.2021, 18.10.2021 and 18.10.2021 respectively.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, recovery of 649.125 litres of liquor from the Bolero vehicle of the petitioner Rajnish Singh together with him having been arrested at the spot, the Court is not inclined to enlarge the petitioner Rajnish Singh on bail and the application is rejected.

Liberty is granted to the petitioner Rajnish Singh to



renew his prayer for bail on completing one year in custody.

In the facts and circumstances of the case specially the petitioners Suraj Narayan Mandal @ Suraj Narayan Mahto and Jogendra Kamat not having any criminal antecedent, the Court directs both these petitioners to be enlarged on bail in connection with Benipatti P.S. Case no.217 of 2021 (G.R. no.1814 of 2021) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

Saurabh/-

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