

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57098 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- BAHERI District- Darbhanga

1. Vijay Mandal S/o Ram Sevak Mandal R/o Village/Mohalla- Daini Khone, P.S.- Baheri Distt-Darbhangha.
2. Santosh Kumar Mandal, S/o Yogendra Mandal @ Yogiraj Mandal R/o Vill/Mohalla- Kauri tole, Parsa P.S.- Hathauri(Shiwajinagar O.P.) Distt-Samastipur.

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Baheri

P.S. Case No. 219 of 2022, registered for the offences

punishable under Sections 30(a) of the Excise Act, 2016.

As per allegation, 252 litres of beer has been

recovered from a Tata Magic Pick-up Van, bearing

Registration No. WB03C-4602.

The learned counsel for the petitioners submits that

the petitioners are innocent and have falsely been implicated

in this case. He further submits that petitioner no. 1 is the



Cleaner and petitioner no. 2 is the Driver of the pick-van and they have no knowledge about the contents of material loaded in the vehicle as they were working on the instruction of the owner. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 10.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioners have no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioners, above-named, are directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Special Judge, Excise Act, Darbhanga in connection with Baheri P.S. Case



No. 219 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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