

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57812 of 2022

Arising Out of PS. Case No.-129 Year-2019 Thana- MAHESHKHUNT District- Khagaria

Subodh Mandal, Son of Balmiki Mandal, R/V- Jhiktia Navtolia, P.S-
Maheshkhunt, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Maheshkhunt P.S. Case No. 129 of 2019 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 7.2 liters of India made foreign liquor was made from the motorcycle which was left behind by unknown miscreants. The name of the petitioner surfaced during investigation as the accused in this case.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession.



The petitioner has no concern either with the seized motorcycle or the recovered liquor. The petitioner is in custody since 09.07.2022 and charge sheet has been submitted.

The learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge sheet, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Khagaria, in connection with Maheshkhunt P.S. Case No.129 of 2019, 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 petitioner.
- (ii) The petitioner 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
bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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