

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31 of 2022

Arising Out of PS. Case No.-605 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. AJAY KUMAR MANDAL, Son of Dasrath Mahdal, Resident of Village-Hajipur Diayara, P.S.- Muffasil, District- Sahebganj (Jharkhand)
2. Suraj Kumar Choudhary, Son of Goverdhan Choudhary, Resident of Village-Mirjachouki, P.S.- Mirjachouki, Distt- Sahebganj (Jharkhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Ms.Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms.Asha Kumari, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 605 of 2021 registered for the offences punishable under Section 188/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018. They are in custody since 13.09.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that the informant who is the Police Sub Inspector got information



regarding transportation of liquor on a tempo from Mirza Chouki, Jharkhand to Kahalgaon via N.H.80. Thereafter, the informant with other Police officials noticed a tempo coming from the side of Mirza Chouki which was stopped near the Shivnarayanpur O.P. from which the driver of the tempo and one another person tried to flee but they were caught. On being asked, they disclosed their name as Ajay Kumar Mandal and Suraj Kumar Choudhary (the petitioners). The informant recovered 186 litres country made liquor and 12.6 litres foreign liquor.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no concern with the vehicle in question. They have no criminal antecedent and they are in custody in connection with this case since 13.09.2021.

Ms.Asha Kumari, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the petitioners are in custody since 13.09.2021, they have no criminal antecedent, investigation against them is complete and their presence may be secured in course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned



A.D.J.-II-cum-Special Judge, (Excise) Act, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 605 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors of the petitioners shall be the resident of Bihar having sufficient means.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

