

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.925 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- KHUSRUPUR District- Patna

Mahangu Rai @ Mahgu Ray Son of Late Ram Babu Singh Resident of
Village- Safipur, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Pritish Ranjan, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Khushrupur P. S. Case No. 235 of 2021
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on
secret information the Police raided the house of the petitioner
and on search being made altogether 53.400 litres Jharkhand



manufactured country-made liquor and 32.400 litres foreign liquor were recovered in front of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the open place, which was not even within the physical or constructive possession of this petitioner and the petitioner has no concerned with the alleged seized liquor. It is further submitted that only because of the fact that earlier the petitioner has been made accused in the six other cases of similar nature the name of the petitioner has been implicated in this case, though in all the cases the petitioner is on bail. It is further submitted that there is no compliance of Section 100 (6) of the Cr.P.C. and the alleged sign on the seizure list has been obtained by the police forcibly. It is lastly submitted that this petitioner is in custody since 16.09.2021 and the investigation has already been completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the place of occurrence and huge recovery has been made in front of the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged



recovery, which is said to have been made in front of the house of the petitioner and not in possession of the petitioner and moreover, this petitioner is in custody since 16.09.2021, though the investigation has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Patna in connection with Khushrupur P. S. Case No. 235 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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