

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40019 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Asha Ram Mandal Son Of Janak Mandal @ Janak Lal Mandal Village-
Khushiya Patti Ps- Khutauna Dist- Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhairavsthan P.S. Case No. 44 of 2023 corresponding to G.R.
No. 208/2023 registered for the offence under Sections 272, 273
of the Indian Penal Code and Section 30(a), 41 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2023.

As per FIR, police recovered total of 2410.560 litres
of IMFL/country made liquor from different vehicles and open
place, where 225 litres of IMFL/country made liquor appears to



be recovered from the vehicle of this petitioner which is occupied by other co-accused persons also.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with present case only out of suspicion arises from his criminal antecedents as he found involved in five more criminal cases, where he is on bail in two cases. It is submitted that petitioner is neither owner nor driver and not connected otherwise with present vehicle and alleged illicit liquor. It is submitted that as petitioner took a lift for a local destination, in meantime, raid was conducted by police and petitioner being innocent persons arrested on the spot sitting inside Car. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery not appears to be made from the conscious physical possession of this petitioner, where petitioner not connected in any manner with alleged vehicle, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



01.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Bhairavsthan P.S. Case No. 44 of 2023 corresponding to G.R. No. 208/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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