

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47359 of 2023**

Arising Out of PS. Case No.-120 Year-2019 Thana- KHUTAUNA District- Madhubani

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ASHARAM MANDAL SON OF JANAK MANDAL @ JANAK LAL
MANDAL R/O-KHUSHIYALPATTI, P.S.-KHUTAUNA, DISTT.-
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Khutauna
P.S. Case No. 120 of 2019 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 17.04.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 932.625 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of alleged illicit liquor appears
to be made from an open place, which is easily accessible by



general public and as such it can be safely said that recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in five more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Khutauna P.S. Case No. 120 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) 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. with further conditions:-

(i) That the petitioner shall



not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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