

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46336 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- KHUTAUNA District- Madhubani

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ASHARAM MANDAL S/O JANAK MANDAL @ JANAK LAL MANDAL
RESIDENT OF VILLAGE- KHUSHIYALPATTI, P.S. KHUTAUNA,
DISTRICT- 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 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No.58 of 2021 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and 30(a)
of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 06.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 663 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of illicit liquor appears to be



made from orchard, which is an open place and accessible to general public, as such, it can be said safely that recovery of illicit liquor was not made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in 05 more criminal cases, where, he is on bail in 04 cases and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 06.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Khutauna P.S. Case No.58 of 2021 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 condition as mentioned under Section 437(3) of the Cr.P.C. with further



conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

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

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

(Chandra Shekhar Jha, J)

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