

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47322 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Asharam Mandal Son Of Janak Mandal @ Janak Lal Mandal Resident Of
Village- Khushiyalpatti, 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. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.04.2023, in connection with Bhairavsthan P.S. Case No. 05 of 2023, corresponding to G.R. No. 21 of 2023 F.I.R. dated 10.01.2023 registered for the offences punishable under Sections 272, 273, 420, 120(B) of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. Recovery is of 427.320 litres of *Foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused Bijendra Singh. He further submits that nothing has been recovered from the conscious possession or the house of the



petitioner rather recovery has been made from the Truck in question and the petitioner is neither the owner nor the driver of the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that co-accused Deepak Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 14458 of 2023, another co-accused namely Bijendra Singh has been granted bail by a Coordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 15804 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in three cases out of five cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail 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, District- Madhubani in



connection with Bhairavsthan P.S. Case No. 05 of 2023, corresponding to G.R. No. 21 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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