

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51737 of 2023

Arising Out of PS. Case No.-273 Year-2017 Thana- WAJIRGANJ District- Gaya

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TIRLOKI MANDAL @ TIRLOKI PRASAD Son of Roop Lal Mahto
Resident of village - Dharhara, P.O. - Jhurjhuri, P.S. - Barkattha, Distt. -
Hazaribagh, Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in custody in connection with Wazirganj P.S. Case No. 273 of 2017 for the offence under sections 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 26.06.2017 by the informant, Ramchandra Tiwari.

As per the prosecution story, the Police intercepted a car and recovered 104.700 liters of foreign liquor. Those present in the car, Neeraj Yadav was arrested. He disclosed the name of the petitioner that he was handed over the car to be delivered to a particular place. Accordingly, the F.I.R.

It is the case of the petitioner that Police with ulterior motive, apprehended him in one case and thereafter, he was implicated in almost twenty cases which resulted into his long incarnation inasmuch as he is in custody since 26.04.2022 from



which he has been remanded in this case on 26.06.2022.

It is his further submission that the petitioner is seriously ill inasmuch as only 37 per cent of his kidneys are functioning and further, one of the co-accused, Neeraj Yadav has been enlarged on bail by a co-ordinate Bench vide Cr. Misc. No. 40331 of 2017.

Learned APP opposes the prayer for bail stating that he has almost twenty criminal cases of same nature.

Though, from the criminal antecedent, at first sight, this Court was not inclined to extend him privilege of bail, considering the fact that his name has come in the confessional statement of Neeraj yadav, who has since been granted bail, as stated above and is in custody since 26.04.2022 and according to the petitioner's counsel, he is hospitalized with serious kidney ailment, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, 1st, Gaya, in connection with Wazirganj P.S. Case No. 273 of 2017 subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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