

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59035 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- BENIPATTI District- Madhubani

Ram Pukar Mandal, Son of Late Janak Mandal, Resident Of Village - Salha,
P.S. - Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Benipatti P.S. Case No. 108 of 2023, registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 1.200 liters of country made Nepali liquor was made from a bag which was concealed under soil from the under-construction house of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the alleged recovery.



The house of the petitioner is under-construction and the petitioner has no knowledge about the seized liquor. The name of the petitioner has been dragged in this case due to village politics. The petitioner is having clean antecedent. The learned counsel further submits that since it is an open place, anybody could have put the liquor in the said house.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that whether fully or under-construction house, the said house belongs to this petitioner and recovery has been made from this house, so it cannot be said that the recovery has not been made from the conscious possession of this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from the house which was under-construction and accessible to other persons as well apart from the petitioner and further considering the clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Benipatti P.S. Case No. 108 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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