

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61663 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- MORKAHI District- Khagaria

1. Lakhan Mandal Son of Nago Mandal Village- Marav North, W.No-15, Ps-Morkahi dist- Khagaria
2. Rajesh Mandal son of Nago Mandal Village- Marav North, W.No-15, Ps-Morkahi dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoe Kumar , Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 28.07.2023, in connection with Morkahi P.S. Case No. 97 of 2023, F.I.R. dated 27.07.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 80 litres of country made *Chulai* liquor.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present. He further submits that from perusal of the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather recovery has been made from the cycle in question. He further



submits that there is non compliance of Section 100 of the Cr. P.C. and the petitioners have no concern at all with the alleged recovery of illicit liquor and the petitioners are in custody since 28.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioners and the petitioners having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Khagaria in connection with Morkahi P.S. Case No. 97 of 2023, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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