

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63690 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- RAJNAGAR District- Madhubani

Bhagirath Mandal, Aged about 40 years (male), son of Junak Mandal, Village-
Ghivahi, P.S. - Raj Nagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagan Deo Yadav with Mr. Ravi Prakash, Advocates
For the Opposite Party/s :	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Raj Nagar P.S. Case No. 149 of 2023 dated 13.06.2023,
instituted under Sections 272, 273, 414, 467, 468, 420(B),
473/34 of the Indian Penal Code and 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. There is recovery of 761.4 liters of foreign liquor
from a pick-up van bearing Registration No. BR11GD3355. It is
alleged that three persons were apprehended at the spot on
whose disclosure petitioner has been made accused in the
instant case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. It is submitted that co-accused, namely Mithilesh Kumar Rai @ Langari, who was apprehended on the spot has disclosed the name of the petitioner, has been granted regular bail by this Court vide order dated 02-08-2023, passed in Cr. Misc. No. 46964 of 2023. It is submitted that two criminal cases are pending against the petitioner since before, in which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Raj Nagar P.S. Case No. 149 of 2023 dated 13.06.2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with further conditions:

(i) That the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) That one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) That if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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