

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64725 of 2022**

Arising Out of PS. Case No.-724 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

NAWAL KISHORE MANDAL S/O NEEM NARAYAN MANDAL Resident
of Village- Siltha, P.O.- Khuthan, P.S.- Hasdiha, District- State-Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65245 of 2022

Arising Out of PS. Case No.-724 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

SIKSHAK KUMAR Son of Prakash Ray @ Prakash Ram Resident of village
- Nimabaran, Lautana, P.S.- Pathargama, District - Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64725 of 2022)

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 65245 of 2022)

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 06-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Bhagalpur Excise P.S. Case No. 724 of 2022 corresponding

to G.R. No. 2913 of 2022, registered for the offences



punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, about 139.92 litres of foreign liquor was recovered from the dickey of a car.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

They further submit that the petitioners have been languishing in jail since 15.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Trial Court in connection with Bhagalpur Excise P.S. Case No. 724 of 2022 corresponding to G.R. No. 2913 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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