

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6249 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- ARA NAWADA District- Bhojpur

KAMAL @ MANGARU SON OF RAJ KUMAR MESHTAR R/O
MUHALLA AND P.S.- ARA NAWADA, DIST.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shweta

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Ara Nawada P.S. Case No. 129/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 240 liters illicit *Mahua* wine from the house of the petitioner. The petitioner was not apprehended on spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is



languishing in custody since 14.11.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner of the said house nor was concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court-1st, Bhojpur, Ara in connection with Nawada P.S. Case No. 129/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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