

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25631 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- KHUTAUNA District- Madhubani

Hira Rai @ Heera Mandal @ Hiralal Rai Son of Nageshwar Ray @ Nagesar
Ray Resident of Mohalla- Siswar, P.S.- Phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 17 of 2023 arising out of G.R. No. 88
of 2023 registered for the offences punishable under Sections
272, 273, 34 of the I.P.C. and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, 150.480 litre foreign
liquor was recovered from Maruti Suzuki car in question.
Apprehended co-accused Jitendra Kumar Roy and Pankaj
Kumar Choudhary disclosed that the alleged recovered wine
was brought at the behest of the petitioner and others.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as



alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is not apprehended on the spot. Except disclosure of the apprehended co-accused persons, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is not owner of the said Maruti Suzuki car in question. Petitioner is in custody since 13.02.2024 and bears criminal antecedent of four cases out of which he is on bail in three cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Jitendra Kumar Roy @ Jitendra Kumar and Pankaj Kumar Choudhary @ Pankaj Kumar have already been granted bail by this Court vide Cr. Misc. No. 29699 of 2023 and the case of present petitioner stands of similar footing and on the principle of parity, the present petitioner also deserves bail.

5. The learned A.P.P. for the State opposes 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, co-accused have already been granted bail, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 17 of 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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