

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46362 of 2024**

Arising Out of PS. Case No.-117 Year-2024 Thana- DHORAIYA District- Banka

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1. Deepak Kumar Mandal S/O Suman Mandal R/O Village-Gaychan, P.S.-God-da, Distt-God-da, State-Jharkhand
  2. Narayan Yadav S/O Santlal Yadav @ Shantlal Yadav R/O Village-Boha, P.S.-Pathargama, Distt-God-da, State-Jharkhand
  3. Jaykant Kumar S/O Vijay Rai R/O Village-Dhanukatand, P.S.-Barahat, Distt-Banka, State-Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

2      05-07-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2. This is an application for regular bail on behalf of the petitioners for the offences alleged under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, registered in connection with Dhoraiya P.S. Case No. 117 of 2024.

3. As per the prosecution case, the petitioners were apprehended on the spot with three motorcycles and from two motorcycles, total 450 litres of illicit country made liquor was recovered.

4. The learned counsel for the petitioners has



submitted that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have no concern with the alleged recovered liquor. Nothing incriminating article has been recovered from their conscious possession. Both the seizure list witnesses are the police personnel which is a complete violation of Section 100 of Cr.P.C. The petitioner nos.1 and 3 have no criminal antecedent while petitioner no.2 has one criminal antecedent. The petitioners are in judicial custody since 06.04.2024.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Considering the facts and circumstances of the case specially the clean antecedent of the petitioner nos.1 and 3, let the petitioner nos.1 and 3, namely, Deepak Kumar Mandal and Jaykant Kumar, be released on bail on furnishing the bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Dhoraiya P.S. Case No. 117 of 2024, subject to the condition that petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the Court.

7. So far as petitioner no. 2 is concerned, he has a criminal antecedent, as such, he does not deserve the privilege



for bail. Accordingly, the prayer for bail in respect of petitioner No. 2 namely, Narayan Yadav is rejected.

8. However, petitioner no. 2 namely, Narayan Yadav, if so advised, may renew his prayer for bail after six months.

**(Nawneet Kumar Pandey, J)**

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