

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62359 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- FORBESGANJ District- Araria

1. Vikash Kumar Mandal son of Satrajit Mandal R/o Village-Bhagkohila Ward No 04 P.s-Forbesganj District-Araria
2. Vikram Kumar Mandal @ Bikram Mandal Son of Satrajit Mandal R/o Village-Bhagkohila Ward No 04 P.s-Forbesganj District-Araria

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 341, 323, 504, 34 of the IPC and 30 (a) of Bihar Prohibition and Excise Act, 2016.

3. Altogether 750 ml. of foreign liquor is said to have been recovered from the field of informant. The allegation against the petitioners is that they hid the illicit liquor near the field of the informant.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the



conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They have been falsely implicated in this case at the instance of their enemies. They were not apprehended on the spot and their names transpired in the case only on the basis of statement of the informant. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) **each** in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Forbesganj P.S. Case No.457 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

- (i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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