

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68311 of 2023

Arising Out of PS. Case No.-964 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. KRISHNA KUMAR MANDAL @ KISHAN KUAMR MANDAL @ KISHAN MANDAL S/O UTTAM KUMAR MANDAL R/O VILLAGE-MAGHI COLONY CHHAT POKHAR, P.S- K.HAT(SAHAYAK), DISTT.-PURNEA.
2. MUKESH KUMAR @ MUNNA S/O DINESH PODDAR R/O VILLAGE-MAGHI COLONY CHHAT POKHAR, P.S- K.HAT(SAHAYAK), DISTT.-PURNEA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard the parties.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 272, 273 of IPC and 30 (a) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 31.800 liters of foreign liquor is said to have been recovered from the house of the petitioner no.1. The allegation against the petitioners is that after seeing the police, they fled away from the spot.

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 suspicion. Petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regards to the facts and circumstances of the case, as the recovery has been made from the house of the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) 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. Considering the facts and circumstances of the case, let the above named petitioner no.2, 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) 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 K.Hat (Sahayak) P.S. Case No.964 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 petitioner no.2 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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