

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72995 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- LADANIA District- Madhubani

Karia Mandal @ Kariya Mandal @ Kariya Khatwe S/o Late Gulam Mandal
@ Late Gulma Khatwe R/o Village-Sukhachaina, Ward No.2, Budhaura, P.O.-
More, P.S.- Khirauna, District- Siraha, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph 9 of the petitioner, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Ladaniya P.S. Case No. 254 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of total 360 liters Nepali country made liquor from one motorcycle and three bicycles. Petitioner is said to have



apprehended on the spot and others succeeded to flee away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the first information report. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is not the owner of the motorcycle and bicycles in question. Seizure list has not been made as per law. Petitioner has no criminal antecedent and is in custody since 06.08.2024.

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 has no criminal antecedent, argument advanced on behalf of both sides and 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) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 254 of 2024, 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 tamper 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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