

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76235 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- FULKAHA District- Araria

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Babloo Kumar Mandal @ Babul Kumar Mandal S/O Mouzilal Mandal
Resident of village Motitapu, Pathraha Ward No- 08, P.S- Fulkaha, District
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Fulkaha P.S. Case No. 124 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about three persons carrying illicit liquor on two motorcycles. Police started checking of vehicles and riders of two motorcycles tried to take U-turn on seeing the police party, they were chased and apprehended. From the seized motorcycles, recovery of 54 litres country made Nepali liquor was made. Thereafter, the petitioner, who had been coming on a motorcycle, started to flee away on seeing the police party, leaving behind his motorcycle. Petitioner was apprehended and



from his motorcycle, recovery of 70 litres country made Nepali liquor was made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The allegations against the petitioner are totally false, concocted and baseless. Petitioner has no concern either with the seized motorcycle or the liquor. The petitioner is in custody since 17.08.2024 and is having clean antecedent.

5. Learned A.P.P. for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the claim of the petitioner that the motorcycle does not belong to him, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court-2, Araria/concerned court in connection with Fulkaha P.S. Case No. 124 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, the learned trial court is directed to verify whether the motorcycle from which recovery has been made, belongs to the petitioner or his close family members and if it is found that the motorcycle belongs to the petitioner or his close family members, bail bond of the petitioner will not be accepted.

(Arun Kumar Jha, J)

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