

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77581 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- MANSAHI District- Katihar

KAILASHPATI RAI S/O TEK NARAYAN RAI VILLAGE- KURETHA
PINDA, PS. MANSAHI, DIST. KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mansahi P.S. Case No. 132 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there was alleged
recovery of 87.900 litre foreign liquor from the bag and
petitioner alongwith other apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 10.08.2023 and bears no criminal
antecedent. He further submits that nothing has been recovered
from the conscious possession of the petitioner. Petitioner has
no concern with the alleged recovered liquor. Petitioner is quite



innocent and has committed no offence as alleged in the FIR. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that co-accused, Mukesh Kumar, has already been granted bail vide Cr. Misc. No. 68799 of 2023 by the co-ordinate Bench of this court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration 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) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II Katihar in connection with Mansahi P.S. Case No.132 of 2023, G.R. No. 4784 of 2023 , 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 tampers 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)

vashudha/-

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