

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80216 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- KUWARI District- Araria

1. Pankaj Kumar Mandal @ Pankaj Mandal Son of Jageshwar Mandal Resident of Village- Barmatti Thakur Tola, Ward No. 01, P.S- Kursakanta, District- Araria
2. Jay Ram Kumar Mandal @ Jayram Mandal Son of Vinshundeo Mandal @ Visandev Mandal @ Visandev Mandal Resident of Village- Barmatti Thakur Tola, Ward No. 01, P.S- Kursakanta, District- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Siddhi Aashana, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard Ms. Siddhi Aashana, learned counsel for the petitioners and the State.

2. The petitioners are in custody in connection with Kuwari P.S. Case No. 63 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.09.2024 by the informant, Pankaj Kumar Sharma.

3. As per the prosecution story, the informant alleged that during patrolling and upon information, saw two persons coming from Nepal side carrying sacks. On the sight of the Police, they tried to escape after throwing the sack and from which, there is recovery of 63 liters of Nepali liquor. This led to the FIR/arrest.



4. Learned counsel for the petitioners submit that nothing has been recovered from the conscious possession rather from the sack and the Police only to implicate, made this allegation. Both the petitioners do not have criminal antecedent and are in custody since 12.09.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that the sacks were on their head when the Police saw them which they threw and tried to escape.

6. Taking into account the submissions put forwarded by the parties as also that nothing has been recovered from their conscious possession, have no criminal antecedent and are in custody since 12.09.2024, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Araria, in connection with Kuwari P.S. Case No. 63 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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