

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83218 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Moti Mandal Son of Ram Bahadur Mandal @ Nannu Mandal Resident of Village - Dorbar, P.S. - Jainagar, District - Madhubani
2. Mithilesh Mukhiya @ Mithil Mukhiya Son of Bishnu Mukhiya Resident of Village - Dorbar, P.S. - Jainagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Jaynagar P.S. Case No. 116 of 2023 corresponding to G.R. No. 435 of 2023 dated 17.03.2023 registered for the offences punishable u/ss 272, 273 and 414 read with section 34 of the IPC and sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 175.8 litres of Nepali liquor kept in four DJ boxes was recovered from a Tempo.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners has surfaced in the confessional statement of the co-accused, Krishna Kumar Shah. The petitioners are neither the driver nor the owner of the said vehicle. The petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have five criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 10.08.2024. Similarly situated co-accused has already been granted regular bail by this court vide order dated 12.09.2023 passed in Cr. Misc No. 61382 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Jaynagar P.S. Case No. 116 of 2023 corresponding to G.R. No. 435 of 2023, with the following condition/s:-



(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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