

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2602 of 2024

Arising Out of PS. Case No.-609 Year-2023 Thana- SABAUR District- Bhagalpur

1. Arun Kumar S/O Upendra Mandal R/O Vill-Mira Chak, Ps-Industrial Area, Dist-Bhagalpur
2. Manoj Mandal S/O Bhojal Mandal R/O Vill-Mira Chak, Ps-Industrial Area, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Sabour P.S. Case No. 609 of 2023, lodged on 11.11.2023, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against two named accused persons (petitioners) and 32 liters of liquor is alleged to have been recovered from the bag of petitioner No.1 and 30 liters of liquor is alleged to have been recovered from the bag of petitioner No.2.

4. Learned counsel for the petitioners submits that



petitioners are in custody since 11.11.2023. Against petitioner No.1 there are two criminal cases pending and against petitioner No.2 one criminal case is pending.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioners are accused in the same offence in which they were earlier made accused.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **only after framing of the charge and upon ascertainment by the Court that in the earlier cases they are not absconding** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Bhagalpur, in connection with Sabour P.S. Case No.609/2023, subject to the following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *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 bonds by the Trial Court itself;



(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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