

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52415 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- MORKAHI District- Khagaria

Lakhan Mandal S/o Nago Mandal R/o Ward No. 15, Village- Marar Uttari,
P.S.- Morkahi, District- Khagaria

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Morkahi P.S. Case No. 87 of 2025 registered for the offences under Sections 30(a), 30(d) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received secret information and conducted an operation. Police personnel went to north Marar situated at Paras Bahiyar at 6:30 PM. Some persons attempting to flee were chased, and one co-accused named Sajjan Yadav was caught. The apprehended person disclosed their names as Lakhan Mandal (petitioner) and Ramsharan Mandal. Police conducted a search for independent witnesses, but they refused to



participate. Subsequently, police made arrangements of witnesses and recovered various items including two motorcycles with registration numbers BR34S 8789 and BR34T 3353, two gas cylinders, pots, and other equipments. It is further alleged that 500 liters of semi-country made liquor was destroyed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. Further submission is that the petitioner was not apprehended from the place of occurrence and he has no concern whatsoever with the alleged seized material and the seized motorcycle does not belong to him. It is next submitted that the provisions of Section 103 of B.N.S.S has also not been followed and the petitioner has only been implicated because he has one criminal antecedent of similar nature and he is on bail in the said case.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Morkahi P.S. Case No. 87 of 2025 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it



is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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