

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 148 of 2025

Arising Out of PS. Case No.-88 Year-2019 Thana- KURSAKANTA District- Araria

1. Kaushal Kumar @ Laxmi Kumar Mandal S/o- Late Jhameli Mandal, Devraj Mandal Village- Bagmara Po- Amhara Ps- Forbesganj Dist- Araria
2. Devraj Mandal Son of Late Ramanand Mandal Village- Bagmara Po- Amhara Ps- Forbesganj Dist- Araria
3. Amarnath Mandal son of Kaleshwar Mandal Village- Bagmara Po- Amhara Ps- Forbesganj Dist- Araria
4. Kedar Mandal son of Gayaram Mandal Village- Bagmara Po- Amhara Ps- Forbesganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Shekhar, Adv

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Altogether 187.500 liters of Nepali liquor is said to have been recovered from the place of occurrence. One person was apprehended at the place of occurrence and he disclosed that the petitioners have fled away from the place of occurrence.

4. It is submitted by learned counsel for the petitioners



that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They were not apprehended on the spot and their name transpired on the basis of disclosure made by the apprehended co-accused Babu Ram which has no evidentiary value in the eye of law. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) each in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Kursakanta (Sonamani Godown OP)



P.S. Case No. 88 of 2019, subject to the condition as laid down under Section 482 of BNSS, 2023 with the following conditions:

(i) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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