

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87551 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- EKCHARI District- Bhagalpur

Rama Mandal @ Ram Mandal Son of Brahmdeo Mandal Resident of Village-
Khwaspur, P.S.- Ekchari, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ekchari
P.S. Case No. 53 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per prosecution case, the police has recovered
20.820 India-made foreign liquor and 28 liters of local made
liquor (Total 48.820 liters) from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to some ulterior motive of the police as also due to dirty



village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the illicit liquor has been recovered from the joint house of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents out of which in two of them, he has been acquitted and, in two of them, he is on bail as has been stated in Para-3 of the present bail petition. The petitioner is languishing in judicial custody since 06.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ekchari P.S. Case No. 53 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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