

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89133 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Mahesh Mahto S/O Vishwanath Mahto Resident of village- Sukhet, P.S.- Jhanjharpur, District- Madhubani
2. Raushan Mandal Son of Shivcharan Mandal Resident of village- Belarhi, Ward No.12 P.S.- Jhanjharpur, District-Madhubani
3. Binod Mandal @ Binod Kumar Mandal Son of Lal Mandal @ Bipin Singh Resident of village- Belarhi, Ward No.12 P.S.- Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Ratnakar Jha, learned counsel for the petitioners and Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during the pendency of this application the petitioner no.1, namely, Mahesh Mahto has been arrested, therefore, the present anticipatory bail application becomes infructuous with respect to petitioner no.1.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.1 is dismissed as withdrawn.



5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with G.R. No. 723 of 2024 arising out of Jhanjharpur P.S. Case No. 174 of 2024, F.I.R. dated 15.10.2024 for the offences punishable under Sections 274, 275, 3(5) of Bhartiya Nyay Sanhita and under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

6. The case relates to recovery of 36 litres of illicit Nepali liquor.

7. Learned counsel for the petitioners submits that petitioners (except petitioner no.1) have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners (except petitioner no.1) have not committed any offence as alleged in the FIR. He further submits that the names of the petitioners (except petitioner no.1) have been transpired during the investigation on the basis of the disclosure made by the local people. He further submits that the motorcycle which was recovered along with the illicit liquor belongs to co-accused person, namely, Mahesh Mahto and petitioners (except petitioner no.1) have no concern at all with the accused person or with the alleged illicit liquor.

8. Learned Additional Public Prosecutor for the State,



on the other hand, has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts that the petitioners (except petitioner no.1) having clean antecedent and nothing has been recovered from the conscious possession of the petitioners (except petitioner no.1), let the petitioners(except petitioner no.1), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur in connection with G.R. No. 723 of 2024 arising out of Jhanjharpur P.S. Case No. 174 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/under Section 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioners (except petitioner no.1) shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the petitioners (except petitioner no.1) tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.1) and in case at any stage it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners (except petitioner no.1). 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.

(Rajesh Kumar Verma, J)

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