IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34296 of 2017

Arising Out of PS.Case No. -95 Year- 2017 Thana -DHAKA District- EASTCHAMPARAN(MOTIHARI)

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1. Shiv Shankar Mandal, S/o Devendra Mandal, Resident of Village- Mathia Mohan, P.S. Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-07-2017 The petitioner seeks regular bail in connection with Dhaka P.S. Case No. 95 of 2017, registered for offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 225 litres of country made liquor.

It has been submitted on behalf of the petitioner that he has falsely been implicated in this case and he only happens to be the driver of the tempo from which alleged recovery has been made and seized articles belong to other co-accused persons, who were traveling in the Tempo. Further petitioner has no criminal antecedent and has been in judicial custody since 20.03.2017.

Heard learned A.P.P. also.

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Having heard both sides, considering the facts and circumstances of the case, and also that petitioner has no criminal antecedent and has remained in custody for more than four months, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with Dhaka P.S. Case No. 95 of 2017, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation

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of his bail.

It is also made clear that if the petitioner again found involved in any of the like offences, in future, prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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