

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33621 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -ECONOMIC OFFENCES, BIHAR District -
PATNA

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Sudhir Mandal S/o Umesh Mandal, R/o Vill.- Berai, P.S.- Hathauri,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The S.P. Economic Offences, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the EOU : Smt. Soni Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner, learned

counsel for Economic Offence Unit and learned APP for the

State.

The petitioner seeks bail in Economic Offence P.S.

Case No. 05 of 2017 registered under Sections 272, 273, 467, 468,

471, 414 and 120(B)/34 of the Indian Penal Code and Sections

30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

19 litres of foreign liquor is said to have been

recovered from Innova car and two persons, namely, Tajindra

Singh and Nishan Singh @ Sonu were apprehended from the said

car and on their disclosure, 3819 litres of foreign liquor is said to

have been recovered from the truck. Nishan Singh @ Sonu



divulged the name of 11 persons including the petitioner to whom the sample of the liquor loaded on the car was to be displayed to procure purchase order for the liquor.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the seized vehicle or with any trade of liquor. He was not apprehended on the spot. There is nothing in the record indicating the complicity of the petitioner barring the confessional statement of said accused Nishan Singh @ Sonu. Though five more cases under Excise Act have been lodged against the petitioner, but he is on bail in the aforesaid cases. Similarly situated co-accused namely Hari Rai @ Hari Yadav has been enlarged on bail by this court vide order dated 26.04.2018 passed in Cr. Misc. No. 17438 of 2018. The petitioner has been languishing in custody since 15.01.2018.

Learned senior counsel for the Economic Offence Unit opposed the prayer for bail submitting that the petitioner is a habitual offender and liquor trader. He gets the liquor supplied on order. Though there is no direct evidence against the petitioner, but confessional statement of Nishan Singh @ Sonu who happens to be supplier of the liquor had divulged the name of the petitioner



in the occurrence. Petitioner is also having criminal antecedent.
Hence, he does not deserve bail.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VIII cum Special Judge, Excise, Patna in connection with Economic Offence P.S. Case No. 05 of 2017.

(Prakash Chandra Jaiswal, J)

Mishra/-

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