

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56723 of 2017

Arising Out of PS. Case No.-178 Year-2017 Thana- BIRAUL District- Darbhanga

Sujit Mandal @ Sunjit Kumar Mandal @ Sujit Kumar Mandal, son of Anil Mandal, Resident of Village-Hati, P.S. Biraul, District-Darbhangha.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. MD. ANSARUL HAQUE

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 31-01-2018

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with G.O. Case No. 755 of 2017 (arising out of Biraul P.S. Case no. 178 of 2017, registered under Section 30(a), 38(1), 41 (1) of the Bihar Prohibition of Excise Act and Section 272 and 273 of the Indian Penal Code.

The accusation is that on receiving the secret information about taking liquor in Manpasand Daba, the informant along with other Police Officials reached there and after seeing the Police party, three persons started fleeing, out of them one person was apprehended, who disclosed his name as Manoj Kumar Rai and he has also disclosed the name of petitioner and one Indal Sahu as his associates. On checking, Manoj Kumar Rai was found in drunken stage.



Learned counsel for the petitioner submits that earlier the prayer for pre-arrest bail was dismissed as withdrawn due to maintainability of the application under Section 438 (2) of Cr.P.C., but now the anticipatory bail is maintainable against the prosecution launched for commission of offence under Bihar Prohibition of Excise Act, 2016 vide order dated 10.08.2017 passed in Criminal Miscellaneous No. 21578 of 2017. Further submission is that it would appear from the F.I.R. that petitioner was not apprehended on the spot, rather his name has been disclosed by the co-accused and the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-cum-Special Judge-III, Darbhanga in connection with Biraul P.S. Case No. 178 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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