

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6929 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- PHULPARAS District- Madhubani

ASHA RAM MANDAL S/o Janak Mandal R/o Village-Khusiyal Patti, P.S.
Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Phulparas P.S. Case No. 71 of 2018 registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a)(d)32(2)/36/38(i) of the Bihar Prohibition Excise & Act, 2016.

Informant has alleged that on specific information received by him that illicit liquor is being carried on a truck, he alongwith other police personnel reached there and found that truck had met an accident and a huge quantity of illicit liquor was kept in it which was seized in presence of independent witnesses.



It has been submitted on behalf of the petitioner that he is not named in the FIR. Nothing has been recovered from his possession. He has not been arrested on the spot. It has been further submitted that he has been implicated in this case on the basis of confession made by co-accused Arun Purve who has already been granted bail by this Hon'ble Court as contained in Annexure-2 and other co-accused, namely Subhash Paswan, Chandrahas Paswan and Sanjay Kamat have been granted bail by this Hon'ble Court as contained in Annexure- 3 & 4. Petitioner is in custody since 28.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Phulparas P.S. Case No. 71 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to



move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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