

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10035 of 2019

Arising Out of PS. Case No.-1164 Year-2018 Thana- SAHARSA District- Saharsa

Chandradeo Mandal, Gender Male, Aged about 45 years, Son of Sri Ram
Bilash Mandal, Resident of village-Gangjala Chowk, Ward No. 19, P.S.-
Saharsa, District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Gupta

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
26.10.2018 in a case registered for the offences punishable
under Sections 30(a), 38(1), 47(1) and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that on a secret information
that the illicit liquor is being transported, a vehicle was
intercepted from which 440 litres of illicit country made liquor
were recovered. It is further alleged that the petitioner was
driving the vehicle in question.

It is submitted by learned counsel for the petitioner
that the alleged vehicle was parked in front of the shop of the



petitioner from which the recovery has been made and the petitioner has been framed in the present case. It is further submitted that investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the car being driven by the petitioner.

Considering the fact that investigation has already been concluded and offences under Excise Act is not quantity based, there is nothing on record to suggest that the ownership of the alleged car has been ascertained, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise at Saharsa** in connection with **Saharsa Sadar P.S. Case No.1164 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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