

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15015 of 2019

Arising Out of P.S. Case No.-100 Year-2018 Thana- JOGBANI District- Araria

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LALAN MANDAL @ LALAN KR. MANDAL, age 24 years (M), Son of
Late Chandranand Mandal Resident of Village - Bhag Kohaliya, P.S.-
Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Special Case
No.501 of 2018 arising out of Jogbani P.S.Case No.100 of 2018
for the offence alleged under Section 38(a) and 38(1) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that during course of vehicle checking, on secret
information, a motorcycle carrying three persons was
apprehended and one Mannu Mandal was arrested who
disclosed the name of the petitioner and other co-accused Raj
Kumar Mandal. From search of the bag 18 litres of Nepali
Saufi wine was recovered. Accordingly, a seizure list was



prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and pre-arrest bail was granted to him by this Court in Cr.Misc.No.68035 of 2018 dated 20.11.2018 but he was already arrested on 06.11.2018 in another case being Forbesganj P.S.Case No.780 of 2018, hence he could not be released on bail. He further submits that the apprehended co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.34537 of 2018 dated 21.06.2018 and the petitioner is languishing in judicial custody since 06.11.2018

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases out of which one is of similar nature is pending against him.

Considering the nature of allegations, materials on record and the period of custody as well as the fact that apprehended co-accused has already been granted pre-arrest bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No.501 of 2018 arising out of Jogbani P.S.Case No.100 of 2018 to the



satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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