

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15833 of 2019

Arising Out of P.S. Case No.-378 Year-2018 Thana- KOTWALI District- Munger

CHANDRA SHEKHAR MANDAL, aged about 33 years, Male, Son of
Banbari Mandal Resident of Mohalla- Company Bagh, P.S.-
Vishwavidyalaya, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Kotwali
(Purabsarai) P.S.Case No.378 of 2018 for the offence alleged
under Sections 30 and 32 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information near the lake, the pick-up
van belonging to the petitioner was searched and one Md.
Chunnu was seen fleeing away from the said pick-up van. On
search 320 litres of country made wine was recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent, was



the owner of the said pick up van but not apprehended on the spot. One of the co-accused who was seen fleeing away from the pick-up van has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.69784 of 2018 dated 06.12.2018. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution evidence. He is languishing in judicial custody since 02.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Kotwali (Purabsarai) P.S.Case No.378 of 2018 to the satisfaction of learned Additional District Judge-V-cum-Special Judge (Excise Act), Munger, 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) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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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