

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19402 of 2019**

Arising Out of PS. Case No.-381 Year-2018 Thana- RAJNAGAR District- Madhubani

Mahesh Mandal @ Mahesh Kumar Mandal, Son of Shambhu Mandal, R/o
village- Raghuv eer Chak, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mrs.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on 20.11.2018 the informant being Sub-Inspector of Police received information that the petitioner is concealing illicit liquor in the bushes near the house of Manoj Mandal and laid a raid and on seeing the police party, two persons escaped from the scene leaving behind the motorcycle. Thereafter, the house of Manoj Mandal was



raided of the straw, 147.180 litres of illicit Indian Made Foreign Liquor concealed in the heap were recovered. The local people suggested that the liquor has been brought by the petitioner, Mahesh Mandal and co-accused Hanuman Mandal.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the recovery has not been made from the conscious physical possession of the petitioner. Though, the petitioner is accused in one more case of similar nature but he is on bail in that case.

Learned APP submits that the informant received information from the villagers that the seized liquor was concealed by the petitioner and co-accused.

Considering the fact that the accusation does not suggest recovery from conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd -cum- Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case



No. 381 of 2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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