

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32092 of 2019**

Arising Out of PS. Case No.-275 Year-2019 Thana- FORBESGANJ District- Araria

1. RAJU MANDAL Son of Sohan Mandal, Resident of Village - Ward No. 2, Marketing Yard, Nagar Parishad, Forbesganj, P.S.- Forbesganj, Distt - Araria.
2. Ashok Mandal Son of Sohan Mandal, Resident of Village - Ward No. 2, Marketing Yard, Nagar Parishad, Forbesganj, P.S.- Forbesganj, Distt - Araria. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ramesh Kumar Singh  
For the Opposite Party/s : Mr.Nitya Nand Tiwary

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      15-05-2019                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Forbesganj P.S. Case No. 275 of 2019 registered for offence punishable under sections 272, 273 of the Indian Penal Code read with section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

It has been alleged that 15 litres of illegal liquor has been recovered from the co-accused, Rahul Kumar, who has disclosed the name of this petitioners that they have given the said liquor to him to sell the same.

The learned counsel for the petitioners submits that petitioner no. 2 has no criminal history. The names of these petitioners have come on confessional statement.



In such view of the matter, the prayer for bail of petitioner no. 2, namely, Ashok Mandal is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No. 275 of 2019, corresponding to Special Case No.466 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

So far petitioner no. 1 is concerned, he has criminal history, as such, his prayer for bail is rejected. However, if he surrenders and prays for regular bail, the court below without being prejudiced by this order, will take decision in accordance with law, preferably on the same day.

**(Shivaji Pandey, J)**

Mahesh/-

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