

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34685 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BAHERI District- Darbhanga

Vipin Kumar Mandal, Son of Umesh Kumar Mandal, Resident of Village-Bhachhi, P.S.-Baheri, District-Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalit Narayan Jha

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 05.03.2019 in a case registered for the offences punishable under Sections 420, 467, 468, 120B of the Indian Penal Code and Sections 30(a) and 35 of Bihar Prohibition and Excise Act, 2016.

It is alleged that on secret information that the liquor is being transported through a truck, raid was laid when one Santro car was intercepted in which two persons namely, Rajababu Kumar and Manoj Kumar Singh were found travelling and subsequently, one truck was intercepted but on seeing the police party three persons tried to escape but they were apprehended, they disclosed their name as co-accused Md.



Danish, Krishna and Vikash Kumar. Consequently, another truck was also intercepted which was driven by Ramchandra yadav and one other person who disclosed his name as Vipin Kumar Mandal, the petitioner and from the truck on which the petitioner was found travelling 3035 litres of illicit Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that neither the petitioner was driver of the truck in question nor the said truck is registered in the name of the petitioner rather petitioner is was actually ridding on the said truck. It is further submitted that co-accused persons Shambhu Yadav, Lal Babu Sah, Md. Danish, Raja Babu Kumar, Sanjeev Kumar Sahu, Dayaram Bhagat and Pradeep Sah have been granted bail by different Co-ordinate Benches of this Court vide Cr. Misc. Nos. 28036 of 2019, 28408 of 2019, 28417 of 2019, 28682 of 2019, 28790 of 2019, 29592 of 2019 and 32616 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery of the illicit liquor has been made from the truck on which the petitioner was found travelling.

Considering the fact that recovery has not been made



from the conscious physical possession of the petitioner, similarly situated co-accused persons have been granted bail and the prosecution case does not suggest that the truck was registered in the name of the petitioner or the petitioner has any concern with the truck, coupled with the statement made in paragraph 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 A.D.J. 5th -cum- Special Judge (Excise Act), Darbhanga in connection with Baheri P.S. Case No. 40 of 2019.

(Dinesh Kumar Singh, J)

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