

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53895 of 2019**

Arising Out of PS. Case No.-205 Year-2019 Thana- PALASI District- Araria

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SURAJ MANDAL @ SURAJ KUMAR MANDAL Son of Kanhaiya Lal  
Mandal @ Kanhaiya Mandal @ Kanheya Mandal Resident of Village-  
Korhaili Ward No.5, Police Station- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      28-08-2019              The petitioner apprehends his arrest in connection with  
  
Special Case No. 813 of 2019 arising out of Palasi P.S.Case No.  
  
205 of 2019 registered under Sections 272 and 273 of the Indian  
  
Penal Code and 30(a) of the Bihar Prohibition and Excise Act  
  
(hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the  
police got information that three persons were present at Vakenia  
Ghat along with liquor, proceeded towards place of occurrence and  
upon seeing the police party, one person succeeded in fleeing away  
and two persons were apprehended, who disclosed the name of  
that person who fled away, namely, Suraj Mandal. On search, the  
police seized one Splender Motorcycle and recovered a bag  
containing in total 15.9 litres illicit liquor from the accused  
persons.

Learned counsel for the petitioner submits that petitioner  
has falsely been implicated in this case on the basis of his name



being disclosed by co-accused and petitioner has got no criminal antecedent. Learned counsel further, based upon his statement made in para-9 of the petition, submits that seized motorcycle does not belong to the petitioner. Accordingly, learned counsel submits that no recovery of illicit liquor has been made from the conscious possession or the vehicle belonging to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the possession of the petitioner or vehicle belonging to the petitioner and he has got no criminal antecedent, accordingly, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 813 of 2019 arising out of Palasi P.S. Case No. 205 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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