

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75205 of 2019

Arising Out of PS. Case No.-467 Year-2018 Thana- FALKA District- Katihar

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Bhairav Kumar Mandal @ Bhairav Kumar Son of Bhagwan Mandal Resident
of Mali, P.S.-Bhawanipur, District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Falka (Pothia) P.S. Case No. 467 of 2018 registered for the
offence punishable under sections 307, 353 and 338 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per allegation in the FIR, in course of checking, it
is stated that one of the accused on the motorcycle, threw the
bag containing 40 litres of country made liquor, while the driver
of the vehicle made an attempt to escape and in the result
crashed his vehicle into one of the police personnel causing
injury to him. It is further stated that the driver of the
motorcycle fell down and got injured and was identified as the



petitioner herein.

It is submitted by learned counsel for the petitioner that from the FIR itself, no recovery has been made from the possession of the petitioner and the petitioner has been falsely implicated only on account of accident that has taken place with his vehicle. It is further submitted that the petitioner is in custody since 06.09.2019 and has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case and the apprehension of the petitioner on the spot, the attempt of escape resulting in crash of his vehicle into the police personnel and recovery of the illicit liquor having been made, this Court is not inclined to enlarge the petitioner on bail.

Accordingly, this application is rejected.

Further, in the facts and circumstances of the case, the petitioner may renew his prayer for bail after completion of six months of the custody.

(Partha Sarthy, J)

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