

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16604 of 2020

Arising Out of PS. Case No.-268 Year-2019 Thana- SUPPI District- Sitamarhi

Rajiv Mandal Son of Sita Ram Mandal Resident of Village - Sangram
Fandah, Imali Bajar, P.S.- Riga, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Sections 414,
272, 273/34 of the Indian Penal Code, 1860 and Section 30(a) of
Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of
2018.

The prosecution case, as per the written report of
Inspector, Lokesh Kumar, Camp Incharge, SSB Unit submitted
to the Station House Officer, Suppi Police Station, is to the
effect that on 21.12.2019, a confidential information was
received about the liquor being transported and during vehicle



check one motorcycle was intercepted and two persons were apprehended, who disclosed their name as Rajiv Mandal, the petitioner and co-accused Sanjiv Kumar, who further disclosed that they were working as lineman for transportation of liquor at the behest of co-accused Keshaw Jha and Shyam Patel. Thereafter, a Pick-up van was intercepted from which, altogether 2700 litres Nepali Saufi liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and though the petitioner alleged to have made confession but the confession did not lead to recovery. The petitioner is accused in two other cases. The petitioner is languishing in custody since 22.12.2019 and investigation has already been concluded. It is further submitted that the petitioner is neither driver nor the owner of the Pick-up van in question from which the recovery has been made, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is not a driver of the vehicle and as such false case has been instituted as liner role which is not sustainable in the eye of law.”

Learned APP for the State submits that the petitioner confessed about his involvement in trade of liquor and he is



named in the FIR.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioner, the confession of the petitioner did not lead to recovery, the vehicle in question does not belong to the petitioner and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi in connection with Suppi P.S. Case No. 268 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi in



connection with Suppi P.S. Case No. 268 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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