

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18165 of 2020

Arising Out of PS. Case No.-57 Year-2019 Thana- HATHAURI District- Samastipur

SHANKAR MANDAL @ SHIV SHANKAR @ SHIV SHANKAR MANDL
S/o Ramudit Mandal R/o village- Parasa, P.S.- Hathauri (O.P. Shivajinagar),
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-07-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in jail since 7.2.2020 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of Amendment Act, 2018.

The prosecution case, as per the written report of SI Ramgati Manjhi submitted to the SHO, Shivaji Nagar OP (Hathauri) Police Station is to the effect that on 25.5.2019 at 11.00 A.M. during raid, a confidential information was received that in the mango orchard, twelve persons are unloading liquor



from the truck. Consequently, raid was laid and 4207 litres of Indian Made Foreign liquor were recovered from the truck leading to registration of the case.

It is submitted by learned counsel for the petitioner that the petitioner was not present on the place of seizure and he has no concern with the truck or liquor in question and only on the basis of suspicion, the accusation has been levelled against the petitioner. The investigation has already been concluded. Moreover, other similarly situated co-accused Shankar Mandal has been granted bail vide order dated 7.11.2019 passed in Cr. Misc. No.71063 of 2019, whereas other co-accused persons have been granted bail vide Cr. Misc. Nos.45794 of 2019 and 51774 of 2019.

Learned APP submits that the recovery is of huge quantity of liquor.

Considering the fact that the recovery has been made from the truck and the the petitioner's contention that he has no concern with the truck in question, similarly situated co-accused being granted bail, coupled with the period in custody, 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 ADJ II-cum-Special



Judge, Excise, Samastipur in connection with Hathauri P.s. Case No. 57 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 on 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 of the like amount each to the satisfaction of the learned ADJ II-cum-Special Judge, Excise, Samastipur including one surety given at the time of provisional bail.

The learned Court below will be 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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