

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16931 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- JAMALPUR District- Munger

ASHISH MANDAL @ ASHISH KUMAR MANDAL Son of Basant Mandal
Resident of Village - Jagdishpur, P.S.- Jamalpur, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Adv.
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

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

Petitioner apprehends his arrest in a case registered under Sections 30(A) , 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Informant is the police officer, who in his written complaint has alleged that when he was on patrolling duty along with other police personnel he received secret information that Ashish Mandal (petitioner) has come in defence colony near Kali Asthan by Tempo loaded with country made liquor and 3-4 persons also came on three motorcycles with illegal wine. On such information they reached there and saw one tempo driver



and 3-4 persons sitting on three motorcycles and on seeing police party, all miscreants fled away after leaving tempo and motorcycles. On query, local peoples disclosed the name of one person as Ashish Mandal (Petitioner). Thereafter seizure list was prepared.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He is neither the driver, nor owner of the vehicle and has been made accused on account of animosity and village rivalry. Nothing has been recovered from his possession, as such, no offence under Excise Act is made out against him.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-3rd-cum-Special Judge (Excise), Munger, in connection with Jamalpur P.S. Case No. 24 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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