

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19109 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- PARBATTa District- Khagaria

Pintu Mandal aged about 28 years (male) son of Devan Mandal, resident of village Kajjalvan, P.S Parbatta, District Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-07-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Parbatta P.S. Case No. 34 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received that the petitioner would be transporting illicit liquor through a boat, a raid was conducted and it is stated that the petitioner and two others were arrested and 1.875 litres of IMFL and 3.70 litres of IMFL were recovered from the two motorcycles while 3.0 litres of country liquor was recovered from the boat. It is further stated that the petitioner managed to free himself and escaped by jumping into the river and he could not be chased as the informant did not know how to swim.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and



concocted. Neither he was arrested at the spot nor has any incriminating article been recovered from his possession. The petitioner has no criminal antecedent and from the seizure list it transpires that the place of seizure is stated to be 'ghat' (river bank).

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the quantity of alleged recovery and the petitioner not having any criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Parbatta P.S. Case No. 34 of 2020 (G.R No. 325/2020), he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Khagaria subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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