

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19689 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- KAHALGAON District- Bhagalpur

CHHOTU KUMAR MANDAL @ CHHOTU KU. MANDAL, aged about 33 years, M, Son of Late Suresh Mandal, Resident of Village- Dudhaila, P.S.- Pasraha, District- Khagariya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ranjan Kumar Jha, Advocate.
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioner seeks bail in a case for the offence registered under Sections 30(a) and 56(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 203.640 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since



29.02.2020. The petitioner has got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 203.640 liters wine is recovered from the Tata Indica Car. The petitioner happens to be the driver of the said vehicle. Except for this, there is no recovery of any incriminating article from conscious possession of the petitioner. The petitioner had no knowledge regarding the nature of goods kept in the said car. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, let the petitioner above named, be released on bail on his personal bond to the satisfaction of the learned Second Additional District & Sessions Judge-cum-Special Judge, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 141 of 2020.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of four



weeks to the satisfaction of the court concerned in connection with the aforesaid case.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

(Sudhir Singh, J)

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