

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 22466 of 2020

Arising out of PS Case No.-104 Year-2020 Thana-Banmankhi District-Purnea

=====

Shambhu Mandal, aged about 39 years, male, Son of Dukhan Mandal, R/o
Dhokardhara, Ward No. 5, P.S.-Banmankhi, Distt.-Purnea.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

=====

Appearance:

For the Petitioner/s : Ms. Kumari Ritambhara, Adv.

For the State : Mr. Ganesh Prasad Singh, APP

=====

CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02/- 26.08.2020

Heard Ms. Kumari Ritambhara, learned Advocate for
the petitioner and Mr. Ganesh Prasad Singh, learned APP for
the State.



The petitioner seeks bail in anticipation of his arrest in connection with Banmankhi P.S. Case No. 104 of 2020, dated 04.05.2020, instituted for the offences under Sections 341 and 323 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the First Information Report, it appears that the petitioner was apprehended by his neighbour and the neighbour only produced some bottles of liquor which was disclosed to be kept in the auto-rickshaw of the petitioner.

Learned counsel for the petitioner has submitted that this is a vindictive action of the neighbour of the petitioner with whom the police also colluded. There is no recovery from the possession of the petitioner and the recovery which is sought to be saddled upon him is only the handiwork of the local police and his neighbour, who is the informant of this case.

The petitioner claims to be a person of clean antecedent.

Considering the facts afore-stated, the petitioner above-named, in the event of his arrest/surrender before the Court below within a period of eight weeks from today, is directed to



be released on bail on his furnishing bail-bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Excise Judge, Purnea/concerned Court in connection with Banmankhi P.S. Case No. 104 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J.)

Praveen-II/-

U	T
---	---

