

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21671 of 2020

Arising Out of PS. Case No.-100 Year-2018 Thana- JOGBANI District- Araria

RAJ KUMAR MANDAL Son of Jaleshwar Mandal Resident of Village-
Bhagkohaliya, P.S.- Forbesganj, Distt- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

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

Petitioner seeks bail in Special Case No. 501 of 2018 arising out of Jogbani PS Case No. 100 of 2018 registered under Sections 30(a)/38(I) of Bihar Prohibition and Excise Act, 2016.

Three persons are alleged to have been apprehended. They were carrying a sack. Two persons allegedly managed to escape. The person who remained apprehended (co-accused Manu Mandal) has perhaps disclosed name of the petitioner as being one of the pillion rider. It is in such circumstances that the petitioner has been taken into custody.

Learned Counsel for the petitioner submits that allegedly 18 litres Nepali Sofi wine was recovered on the motorcycle on which



co-caused Manu Mandal was seated. The petitioner was not arrested at the place of occurrence nor there is any recovery any incriminating material from him. He is in custody since 6.11.2018. The petitioner is on bail in Forbisganj PS Case No. 440 of 2018. However statement has been made in para 3 that in Araria PS Case No. 434 of 2018 and Forbesganj PS Case No. 356 of 2018 he yet to move the court for grant of bail.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Araria in Special Case No. 501 of 2018 arising out of Jogbani PS Case No. 100 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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