

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29095 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- JOGBANI District- Araria

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LALIT MANDAL S/o Singheshwar Mandal Resident of Kuchgama, Ward
No.18, Police Station-Jogbani, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Anamul Haque, Advocate

For the Opposite Party/s : Mr Ajit Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **11-11-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioner.

Mr Ajit Kumar, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Jogbani Police Station (for brevity, PS) Case No 98 of 2020 instituted for the offence



punishable under Section 30 (a) (d) of Bihar Prohibition and Excise Act, 2016 and Section 188 of Indian Penal Code.

It is alleged that illicit liquor has been recovered from a motorcycle.

It is submitted that there is a discrepancy in the quantity of alleged recovery. As per the *Fardbayan*, 33 liters is alleged to have been recovered whereas, in the seizure list, 55 liters have been shown to have been recovered. The same is glaring proof of false implication. The petitioner is in custody since 20.06.2020 and prior to the instant case also, he had been falsely implicated in another case of the same nature in which case he is already on bail.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Araria in Special Case No 391 of 2020 (Jogbani PS Case No 98 of 2020) 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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