

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14850 of 2021

Arising Out of PS. Case No.-585 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

-
1. Bibhash Kumar Mandal, aged about 30 years, Male son of Ashok Mandal, Resident of Barari Pulghat, Ward No.29, P.S. Barari, District-Bhagalpur.
 2. Nagendra Kumar Mandal, aged about 22 years, Male Son of Subhash Mandal @ Subodh Mandal, Resident of Bararipul Ghat, P.S. Barari, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Deepak Kumar Sinha Advocate
For the State	:	Ms. Asha Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioners seek bail in Kotwali (Barari) P.S. Case No.585 of 2020, instituted for the offence under Section 30(a) of



the Bihar Prohibition and Excise Act.

There is alleged recovery of 54 litres of illicit liquor from a tempo.

The learned counsel for the petitioners submits that the petitioners have become a victim of the circumstances. The recovery is not from their conscious possession. They were merely travelling in the tempo and having no criminal antecedents, they are in custody since 07.10.2020. Co-accused Vishu Sah @ Vishnu Sah has been allowed bail in Cr. Misc. No. 18426 of 2021.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **2nd Additional District & Sessions Judge, Excise Act, Bhagalpur**, in connection with **Kotwali (Barari) P.S. Case No. 585 of 2020**, subject to the following conditions:-



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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

