

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12832 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- TARABARI District- Araria

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DEVJEET MANDAL @ DEV JEE Son of Sohan Mandal Resident of Village
- Bhojpur, P.S.- Tarabari, Distt.- Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey,Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Narendra
Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Tarabari P.S. Case No. 126 of 2020 registered for the
offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that of delivering 61 liters of illicit
liquor in six cartons to one Mahesh Mandal.

Learned counsel submits that the petitioner is innocent and
has falsely been implicated in the present case. It is submitted that the
petitioner was not aware of the article kept in the cartons which he



was carrying and the said cartons were given by one of his friends to deliver to one Mahesh Mandal. The petitioner is in custody for over six months having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was not aware of the article kept in the carton he was carrying and the said carton was given by one of his friends to deliver to one Mahesh Mandal, the recovery of altogether 61 liters of illicit liquor has been made but the petitioner has remained in custody for over six months, prior to the present case, he had no criminal antecedent, investigation against him is complete, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned II Additional Sessions Judge-cum-Special Judge (Excise Act) Araria in connection with Tarabari P.S. Case No. 126 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the



commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

