

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18556 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- DHANKUND District- Banka

RAGHUNANDAN MANDAL @ RAGHUBIR MANDAL @ RAGHUBIR
Son of Nageshwar Mandal Resident of Village- Asshi Makaita, P.S.-
Dhankund, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha,Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary,APP

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

2 29-07-2021 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. Anand Kishore Choudhary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 123 of 2020 arising out of Dhankund P.S. Case No. 21 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant on secret information along with other police personnel raided old poultry farm of this petitioner and there on seeing the police party two persons started fleeing away but one of them was apprehended and disclosed his name as Manjeeta Mandal @ Chhotu and also disclosed the name of this petitioner. On

search of the said place, 300 bottles of 375 ml each illicit liquor was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that co-accused Manjeeta Mandal @ Chhotu who has disclosed the name of this petitioner has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 22970 of 2020. The petitioner is in custody since 06.10.2020 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 recovery of illicit liquor is not from the possession of the petitioner, the co-accused Manjeeta Mandal @ Chhotu had disclosed the name of the petitioner, however, Chhotu has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 22970 of 2020, this petitioner is in custody in connection with this case since 06.10.2020, he has otherwise no criminal antecedent, 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 Additional Sessions Judge II, Banka in connection with Special Excise Case No. 123 of 2020 arising out of Dhankund P.S. Case No.

21 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'.