

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29353 of 2021

Arising Out of PS. Case No.-233 Year-2020 Thana- LAUKAHI District- Madhubani

SHRAWAN KUMAR MANDAL Son of Kaleshwar Mandal Resident of
Village- Jamsar, P.S.- Lakhui, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Laukahi P.S. Case No. 233 of 2020
corresponding to G.R. No. 1754/2020 registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of Bihar Prohibition & Excise Act. He is in
custody since 27.12.2020. The petitioner has got no criminal
antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was
on patrolling duty along with other police personnel saw a
person coming from Nepal side who was apprehended and from



his bicycle two plastic bags containing Nepali liquor were found and the said person (petitioner) disclosed that one person is coming with liquor on bicycle, thereafter the informant recovered two another bags and a bicycle. On search of the bags total 126 liters Nepali liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the seized liquor has not been recovered from the conscious possession of the petitioner, however he is in custody since 27.12.2020.

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 total 126 liters of Nepal made liquor were recovered from the four plastic bags, petitioner is in custody since 27.12.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, 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 – cum – Special Judge, Excise Act, Madhubani in connection with Laukahi P.S. Case No. 233



of 2020 corresponding to G.R. No. 1754/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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'.

