

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29393 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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CHHOTU MANDAL @ PAIRWA MANDAL @ PUSHPESH KUMAR Son
of Kuldeep Mandal @ Kuldeep Kumar Mandal Resident of Sachhidanand
Nagar, P.S.- Tilkamanjhi, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 28-10-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Kotwali (Tilkamanjhi) P.S. Case No. 183 of

2020 registered for the offences punishable under Section 30(a)

of the Bihar Prohibition and Excise Act, 2016. He is in custody

since 12.10.2020 having no criminal antecedent as stated in

paragraph '3' of the application.

As per the prosecution story, the informant has

alleged that on 08.03.2020 when he was on night patrolling

duty, he received secret information that one Guddu Kumar is



selling wine from his house. The informant further alleged that when he reached at the house of Guddu Kumar he saw one person coming from his house and started fleeing away, police chased him but he managed to escape. Thereafter said Guddu Kumar was arrested on the spot and on search of his house total 50.850 liters of wine of different brands were recovered and seized accordingly.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the name of the petitioner has transpired in the confessional statement of Guddu Kumar in whose house the raid was conducted and said Guddu Kumar has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 22444 of 2020.

Learned A.P.P. 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 is from the house of Guddu Kumar, petitioner's name has transpired in his statement and said Guddu Kumar has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 22444 of 2020, petitioner is in custody in connection with this case since 12.10.2020, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Excise, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 183 of 2020, subject to the condition 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

