

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37406 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Dhirendra Kumar Mandal @ Dhiran Kumar Mandal @ Dhirendra Mandal
Son Of Arjun Mandal Resident Of Mohalla - Nayatola Chauhaddi, Police
Station - Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 185 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 69.00 liters of illegal foreign liquor



is said to have been recovered from the *Verandah* behind the room of petitioner's house. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He further submits that there is violation of mandatory provisions of Section 100 Cr.P.C. while preparing seizure list. Petitioner has one similar nature of offence against him as has been mentioned in para-3 of the present petition and he is languishing in custody since 20.03.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor Court in connection with Nathnagar (Madhusudanpur) P.S. Case No. 185 of 2021 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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