

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43806 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- MANIGACHI District- Darbhanga

CHHARPAN MANDAL Son of Nakchhedi Mandal Resident of Village -
Maubehat, P.S.- Manigachi, (Nehwa O.P.), Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Manigachi (Bajitpur) P.S. Case No. 04, registered for the
offence punishable under Sections 272, 273 of the Indian Penal
Code and section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The allegation is regarding recovery of 1166.550 liters
of illicit foreign liquor from the cow-shed of the petitioner.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is
languishing in custody since 9.1.2021. The learned counsel
for the petitioner has further submitted that the cow-shed in
question is an open space, hence the possibility of the illicit
liquor being planted by some other person cannot be ruled



out. It is also submitted that similarly situated other accused person has already been granted bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein and the fact that the illicit liquor was recovered from a cow shed, which is situated in an open space, thus the possibility of the liquor being planted by some other person cannot be ruled out, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Excise Act, Darbhanga in connection with Manigachi (Bajitpur) P.S. Case No. 04 of 2021 corresponding to G.O. No. 27 of 2021.

(Mohit Kumar Shah, J)

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