

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33659 of 2020

Arising Out of PS. Case No.-124 Year-2020 Thana- RUPAULI District- Purnia

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1. SUNIL KUMAR MANDAL @ SUNIL MANDAL S/o- Adhik Lal Mandal R/o- Jhouwari, P.S.- Rupauli (Akbarpur), District- Purnea.
 2. Nand Kishore Mandal @ Nandkishor Mandal S/o- Jogendra Mandal R/o- Jhouwari, P.S.- Rupauli (Akbarpur), District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2021 Heard Mr. Md. Fazle Karim, learned counsel for
the petitioner and the learned APP for the State.

The petitioners seek bail in anticipation of their
arrest in connection with Rupauli (Akbarpur) P.S. Case No.
124 of 2020 instituted for the offence under Sections 272,
273 and 34 of the Indian Penal Code.

From the house of petitioner no. 1, 10 litres of
liquor is said to have been recovered.

Considering the factum of recovery of liquor from
house of the petitioner no. 1, this Court is not inclined to



grant anticipatory bail to him notwithstanding the fact that he is a person of clean antecedent.

The prayer for anticipatory bail of petitioner no. 1/ Sunil Kumar Mandal @ Sunil Mandal is rejected.

However, if the petitioner no. 1, surrenders before the Court below and seeks bail, that petition shall be considered on its own merits, without being prejudiced by the fact that the present petition for grant of anticipatory bail on his behalf has not been entertained.

According to the First Information Report, 15 litres of liquor is said to have been recovered from behind the house of the petitioner no. 2 which was concealed by straw.

Learned counsel for the petitioners has submitted that the recovery is not from the exclusive or constructive possession of petitioner no. 2. The recovery is from an open space and for which the petitioner no. 2 ought not to be prosecuted.

He is a person of clean antecedent.

Considering the aforesaid facts, the petitioner no. 2/Nand Kishore Mandal @ Nandkishor Mandal, is directed to



be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Purnea, in connection with Rupauli (Akbarpur) P.S. Case No. 124 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

sunilkumar/-

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