

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34807 of 2020

Arising Out of PS. Case No.-9 Year-2019 Thana- KHANPURA District- Samastipur

RAJESH MANDAL @ RAJESH KUMAR MANDAL SON OF BAMBAM
MANDAL Resident of Elmasnagar, Police Station- Khanpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 24-02-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Khanpur P.S. Case No. 09 of 2019, disclosing offences
punishable under Sections 47, 30(a), 35(a), 41(1), 41(2) of the
Bihar Prohibition and Excise Act, 2016.

The petitioner is in custody since 21.08.2020. It is the
prosecution's case that huge quantity of Indian made foreign
liquor (4581.280 liters) was recovered from the possession of
the persons named in the First Information Report including
those who were apprehended and disclosed the names of other
persons, who managed to flee away from the place of
occurrence, when the raid was conducted. Allegedly a
motorcycle was also seized by the police from the place of



occurrence, which was found to be registered in the petitioner's name and on that basis the petitioner has been implicated in this case.

Learned counsel for the petitioner has submitted that presence of the petitioner's motorcycle at the place of occurrence is the only evidence to connect the petitioner with the offence. He has submitted that the petitioner has no criminal antecedent.

Considering the above, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Samastipur in Khanpur P.S. Case No. 09 of 2019.

(Chakradhari Sharan Singh, J)

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