

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36482 of 2020

Arising Out of PS. Case No.-84 Year-2020 Thana- SIKTI District- Araria

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1. CHANDAN KUMAR MANDAL @ CHANDAN KUMAR Son of Vijay Kumar Mandal Resident of Village- Thengapur Pipra, Ward No.1, P.S.- Bardaha Sikti, District- Araria.
 2. RAMCHANDAR MANDAL Son of Chatuanand Mandal Resident of Village- Nameua Pipra, Ward No.2, P.S.- Bardaha Sikti, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manish
For the Opposite Party/s : Ms. Sangita Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2021 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned Counsel for the petitioners, at the very outset, submits that the petitioner no. 2, Ramchandar Mandal, was already granted bail vide order, dated 22.06.2020, passed in Criminal Misc. No. 23910 of 2020 and due to inadvertence, the petitioner no. 2 has been made petitioner in this application also and seeks permission to withdraw this application so far as petitioner no. 2 is concerned.

Permission is granted.

This application is dismissed as withdrawn so far as petitioner no. 2 is concerned.



This application will, now, survive only for petitioner no. 1.

The petitioner no. 1 seeks regular bail in connection with Sikti Police Station Case No. 84 of 2020, registered for the offences punishable under Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is that on 02.05.2020, the Police on getting information from the villagers proceeded towards the place of occurrence and apprehended two persons on Motorcycle who disclosed their names as Chandan Kumar Mandal (petitioner) and co-accused Ramchandar Mandal. On search, a total quantity of 43.5 litres of illicit Nepali liquor has been recovered from the motorcycle, bearing registration No. BR-38Q-7065.

Learned counsel for the petitioner no. 1 submits that the petitioner has not committed any offence in the manner alleged and illicit liquor has not been recovered from his conscious possession. He further submits that the petitioner is not the owner of the motorcycle in question. He next submits that the petitioner has got no criminal antecedent and he is in custody since 02.05.2020. He further submits that co-accused Ramchandar Mandal has been granted bail by this Court vide



order, dated 22.06.2020, passed in Criminal Misc. No. 23910 of 2020.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 02.05.2020, charge sheet has already been submitted against the petitioner and as such there is no chance that the petitioner will abscond or tamper with the evidence and further similarly situated co-accused person has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Araria, in connection with Sikti Police Station Case No. 84 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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