

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37908 of 2020

Arising Out of PS. Case No.-183 Year-2019 Thana- BASOPATTI District- Madhubani

Naresh Mandal Son of Prem Lal Mandal Resident of Village - Bhuiyaasthan,
P.S.- Sadar Darbhanga, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the State : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Basopatti PS Case No. 183 of 2019, GR No 1436 of 2019 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

90 litres illicit liquor has allegedly been recovered from the petitioner's motorcycle.

It is submitted that recovery from motorcycle in petitioner's absence, even if accepted, cannot lead to the petitioner's implication. The bike was parked in the open space and therefore, the responsibilities of the recovery cannot be attributed to the petitioner. Having no criminal antecedents, the petitioner is in custody since 27.06.2020.



The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 Act, Madhubani, in connection with Basopatti PS Case No. 183 of 2019, GR No 1436 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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