

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5859 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- CHORAUT District- Sitamarhi

Bechan Mandal, son of Shatgrudhan Mandal, Resident of Village- Bahilvara,
P.S.- Pupari, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Chauraut P.S. Case No.93 of 2020 registered for the offence
punishable under Sections 30(a), 38, 41 and 37(B)(C) of the
Bihar Prohibition and Excise Act, 2016.

The police party has stopped two vehicles; one
Scorpio and a motorcycle. The occupants of the vehicles have



allegedly fled away. There is a recovery of 585 litres of *Nepali* Saufi wine from the Scorpio and 39 litres from the motorcycle.

As per the petitioner's counsel, no liquor has been recovered from the conscious possession of the petitioner. He has no concern with the vehicles in question and is in custody since 26.09.2020, though he has no criminal antecedents. The allegation against the petitioner being in inebriated condition is super-addition and there is non-compliance of the mandatory procedure of search and seizure.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Chauraut P.S. Case No.93 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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