

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5730 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Pintu Kumar, Son Of Late Nand Kishor Mandal, Village- Meerachak, P.S.-
Industrial Area, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-06-2021 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
Industrial P.S. Case No.01 of 2020 registered for the offence
punishable under Sections 30/30(A), 32 of the Bihar Prohibition
and Excise Amendment Act, 2018.

172.50 litres country made liquor has allegedly been
recovered from a tractor. Co-accused Soutam Mandal, who has



been apprehended, has stated the petitioner's name.

It is submitted that the petitioner has no criminal antecedents and is in custody since 11.08.2020, based on confessional statement of co-accused having no evidentiary value. Admittedly, there is no recovery from the petitioner and the co-accused Soutam Mandal, who has named the petitioner, has been allowed bail in Cr.Misc. No.19807 of 2020, vide order dated 19.06.2020.

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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Bhagalpur, or the successor court concerned, in connection with Industrial P.S. Case No.01 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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