

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8259 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Purnia

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FAGO MANDAL SON OF PRAKASH MANDAL RESIDENT OF  
VILLAGE- AMRI, BISHANPUR, P.S- BIHPUR, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      27-05-2021                      This matter is taken up for consideration through  
  
Video Conferencing under the orders of Hon'ble the Chief  
  
Justice.

Heard learned counsel for the petitioner and learned  
  
A.P.P for the State.

The petitioner seeks bail in CI Case No. 170 of 2020,  
  
registered for the offence punishable punishable under Section  
  
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 495 litres of foreign  
  
liquor has been recovered from a pick-up van and this petitioner  
  
was apprehended on the spot.

It is submitted that nothing has been recovered from  
  
conscious possession of this petitioner. Petitioner is neither the  
  
owner nor the driver of vehicle in question, but simply a co-  
  
passenger. Petitioner was not aware about the nature of



consignment and has no concern with the seized liquor. Petitioner is in custody since 24.09.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the fact that nothing has been recovered from conscious possession of this petitioner and bears clean antecedent, the petitioner above-named, is directed to be enlarged 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 Special Judge Excise, Purnea in connection with CI Case No. 170 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Prabhat Kumar Singh, J)**

vinita/-

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