

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4172 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- SULTANGANJ District- Bhagalpur

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JAGO MANDAL Son of Kailash Mandal Resident of Village - Sahabad, P.S.
- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mrs. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 21.11.2021, seeks
regular bail in connection with Sultanganj P.S. Case No. 101 of
2021 dated 20.05.2021 registered for offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegation is of recovery of 90 litres of foreign liquor
from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and nothing has been recovered
from his physical possession. Alleged recovery of 90 litres of
liquor is not substantiated by the seizure list rather the same was



handed over to other co-accused persons, who were the two apprehended persons before whom the seizure list was prepared. It is one co-accused Suraj Kumar, who had brought the said alleged liquor from Jharkhand and the same was to be delivered to one co-accused Sachin Kumar. Petitioner has no concern with Sachin Kumar. The alleged recovery was made from near the door of the petitioner. Petitioner was not present at the time of alleged occurrence. Petitioner has no criminal antecedent and he is in custody since 21.11.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the facts and circumstances of the case, nature of allegation made in the FIR, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 200,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-cum-Special Judge (Excise), Bhagalpur in connection with Sultanganj P.S. Case No. 101 of 2021 dated 20.05.2021 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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