

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9329 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SABAUR District- Bhagalpur

Vikash Mandal, S/O Bholi Mandal @ Shyam Sundar Mandal, R/o village-
Masarhu, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sabour P.S. Case No. 01 of 2022 (Special Excise Case No. 04/2022) registered for the alleged offences under Sections 30 (A) of the Bihar Prohibition Act and Excise Act, 2016.

Allegation against the petitioner is that he was apprehended with 30 litres of countrymade liquor.

The learned counsel for the petitioner submits that the recovery was not made from the conscious possession of the

petitioner but the prosecution story is not believable that 100 bottles of 300ml in one bag was being carried out by the petitioner. Even from the FIR it is obvious that raid was made on the land of the co-accused and the petitioner and nothing to do with the recovery made as such from the co-accused. Learned counsel further submits that petitioner is having one criminal case pending against him but has instructed he is on bail in that case. The petitioner is in custody since 03.01.2022 charge sheet has already been submitted.

Learned APP has opposed the submission made on behalf of the petitioner submitting that the recovery has been made from the possession of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the detention period of the party, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Exclusive Excise Court No. 2 , Bhagalpur in connection with Sabaur P.S. Case No. 01 of 2022 and Special Excise Act No. 4 of 2022, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)