

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11252 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- MAHINDWARA District- Sitamarhi

RAJU MANDAL @ RAJKUMAR MANDAL Son of Shankar Mandal
Resident of Village- Bhandari Ward No.9, P.S.- Belsand, District- Sitamarhi-
843316.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv.

For the Opposite Party/s : Mr.H.A.Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 414 of the IPC read with sections 30(a)(b)(c)(f)/36/37/41 of the Bihar Prohibition and Excise Act, 2018.

Altogether 250.560 litres of foreign liquor is said to have been recovered from the car of the petitioner and the driver was apprehended on the spot, who disclosed the name of the petitioner as the owner of the vehicle.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis that he is the owner of the vehicle. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Although the car belongs to the petitioner but the same was used to be driven by the driver and without his consent the liquor was kept in his vehicle. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below, where the case is pending/Successor court, in connection with Mahindwara P.S. Case No.112 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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