

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14900 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

Amresh Kumar Mandal, Son of Sri Rajan Mandal @ Ranjan Mandal
R/ovillage - Murliya Chak, Ward No.- 7, P.S. - Town Sitamarhi, Dist.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-08-2022 Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Arun Kumar Singh, learned
A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
C2 Case No. 21 of 2022, for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is recovery of 130.8 litres of Nepali
Soufi from Tempo bearing Engine No. S4H8317126.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that petitioner is
owner of the alleged tempo and the illicit liquor was left by one



of the passengers and petitioner has clean antecedent. The petitioner is in custody since 13.01.2022.

Learned A.P.P. for the State submitted that petitioner has admitted that he is owner of the said tempo, it would be proper to verify as to whether the said tempo is stolen one or not. A report may be submitted by the District Transport Officer, Sitamarhi before the learned Court below with respect to the owner of the tempo.

Considering the aforementioned facts and circumstances of the case, the Court below after the receipt of the report from D.T.O finds the vehicle not stolen, the petitioner above named is directed to release the petitioner on bail if it is found in the said report that petitioner is the registered owner of the tempo on furnishing bail bond of Rs. 50,000/- (Rs. Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Special Excise Court-II, Sitamarhi in connection with C2 Case No. 21 of 2022, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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