

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14800 of 2022**

Arising Out of PS. Case No.-733 Year-2021 Thana- KAHALGAON District- Bhagalpur

Nandini Kumar @ Nandan Mandal, Son of Udho Mandal, Resident of
Village- Brahamchari Tola, P.S.- Ghogha, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Pravin Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Kahalgaon (Ghoga O.P.) P.S. Case No. 733 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 25(1-b)a, 26 of the Arms Act.

As per the prosecution case, it is alleged that the



Police, on a secret information that the petitioner is involved in selling illicit foreign liquor, a raid was conducted and from the house of the petitioner 4.470 litres of illicit foreign liquor and a country made pistol were recovered.

Learned senior counsel appearing on behalf of the petitioner submits that the alleged recovery has not been made from the conscious possession of the petitioner, rather the same was recovered from the house of one Teenkauri Das, as is evident from the Khatiyani, which has been brought on record as Annexure-2 to this application. It is next submitted that the house, in question, is a joint house where several family members are residing and, as such, the petitioner cannot be held responsible for the same and, moreover, there is no independent witness to the seizure list, though the seizure has been made in the house of Teenkauri Das. It is next submitted that the petitioner is in custody since 30.10.2021 having fair antecedent, apart from the fact that the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a country made pistol along with illicit liquor was recovered from the house of the petitioner.

Having considered the submissions made on behalf



of the parties and taking into consideration the fact that recovery has been made from a joint family house and moreover there are other irregularities in preparation of the seizure list, apart from the fact that the petitioner is in custody since 30.10.2021 having fair antecedent and the investigation of the crime is already completed and the charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum- Special Judge, Excise Act, Bhagalpur in connection with Kahalgaon (Ghogha O.P.) P.S. Case No. 733 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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