

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14743 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- SANOKHAR District- Bhagalpur

Kasturi Mandal, Son of Arjun Mandal, Resident of Village - Brahchari Tola
Ghogha, P.S. - Ghogha, District – Bhagalpur. ... Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Pathak, Advocate
Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 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. Kamlesh Kumar Pathak, learned 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 Sanokhar (Amdanda) P.S. Case No. 194 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police while on patrolling duty, intercepted three motorcycles and from the possession of this petitioner 21 litres of country made liquor was recovered.

It is submitted by the learned counsel appearing on



behalf of the petitioner that in fact nothing has been recovered from the person or possession of this petitioner, but on account of some altercation took place between the police and the petitioner, his name has been implicated in this case, showing the recovery from his motorcycle. It is next submitted that there is no mandatory compliance of the provisions of the Code of Criminal Procedure, while preparing the seizure list. It is also submitted that this petitioner is in custody since 28.11.2021 and moreover 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 the recovery has been made from the conscious possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that recovery has been made from the motorcycle and this petitioner is in custody since 28.11.2021, though 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 Special Excise Judge-I, Bhagalpur in



connection with Sanokhar P.S. Case No. 194 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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