

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15686 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

SUSHIL MANDAL SON OF LATE DAROGI MANDAL Resident of
Village- Ghutiya, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 6.750 litre from a motorcycle.

Learned counsel for the petitioner submits that he has not seen a more cryptic order like the one which is impugned in the present case, it is next submitted that the learned court below while rejecting the bail application has acted mechanically and has not even cared and bothered to even briefly record the facts of the case. It is next submitted that it absolutely does not stand



to reason that how the learned court below has recorded that anticipatory bail under Section 76(2) of the Bihar Prohibition and Excise Act is not maintainable, it is further submitted that without recording the facts of the case such observation amount to travesty of justice.

Learned counsel for the petitioner reverts to the present case and submits that two persons were apprehended and one of the co-accused disclosed the name of the petitioner as the motorcycle belong to the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner stays in Delhi and works as a mason, the motorcycle was in his name and he had come to the village and on asking by his friends, he had lent his motorcycle to them being completely unaware that his motorcycle would be misused for such illegal activity.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event



of his arrest or 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. 500/- (Rupees Five Hundred) each 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 Jagdishpur P.S. Case No. 282 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishik/Shivam/-

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