

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16992 of 2022

Arising Out of PS. Case No.-365 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

UDAY MANDAL @ UDESHWAR MANDAL @ UDESHWAR SON OF
GULCHI MANDAL RESIDENT OF VILLAGE- SONUDIH WARD NO. 1,
P.S.- GORADIH, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Jagdishpur (Goradih) P.S. Case No. 365 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

As per prosecution case, On information informant
reached to the place of occurrence where he arrested one person.
On enquiry apprehended person disclosed his name as Uday
Mandal (Petitioner). On search total 22.725 litres of illicit liquor
was recovered from south room of the house.



Learned counsel for the petitioner submits that petitioner is in custody since 07.11.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating was recovered from the conscious possession of the petitioner and alleged recovery has been made from joint family house of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I-cum-Additional District and Sessions Judge-IX, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 365 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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