

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16866 of 2022

Arising Out of PS. Case No.-99 Year-2020 Thana- KANHauli District- Sitamarhi

GOVERDHAN MANDAL Son of Ramakbal Mandal Resident of Ward No.-
1, Itaharwa Dularpur, P.S.- Kanhauli, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.A.G.

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
Kanhauli P.S. Case No. 99 of 2020 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, on secret information,
informant alongwith other police officials reached at the place
of occurrence and saw that a jute bag was kept in-front of the
house of Bhola Sahani and after seeing the police personnel
three-four persons started to flee away and they managed to
escape. It is further alleged that villagers disclosed that the



person who absconded was Goverdhan Mandal (petitioner) and others. On search, informant recovered 315 litres of Nepali Liquor from the jute bag.

Learned counsel for the petitioner submits that petitioner is in custody since 21.02.2022. 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 petitioner is innocent and has falsely been implicated in this case due to village politics. Petitioner is not apprehended on spot and he has no concern with the alleged recovered liquor. There was non-compliance of the mandatory provision of Section 100 of the Cr.P.C.

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 the clean antecedent of the petitioner, petitioner is not apprehended on spot, 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 Exclusive Special Excise Court – I, Sitamarhi/In-charge Successor Court in connection with Kanhauli P.S. Case No. 99 of 2020, 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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