

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19005 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- SABAUR District- Bhagalpur

Rajdev Kumar @ Fudo Mandal @ Rajdev Kumar Mandal, Son of Late Jagdish Mandal Resident of Village- Babupur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sabour P.S. Case No. 238 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, from the house of the petitioner, 12.750 litres of Indian made foreign liquor was recovered and the petitioner was apprehended from the spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and the recovery being shown from his house has not been made from there. The petitioner was apprehended in some other case and from where confessional statement has allegedly been recorded regarding recovery of this liquor. The petitioner is in custody since 03.11.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that at the instance of this petitioner, recovery has been made from his house. The petitioner is also having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court No.2, Bhagalpur, in connection with Sabour P.S. Case No. 238 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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