

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18405 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- BALRAMPUR District- Katihar

Ashok Mandal Son of Chama Lal Mandal Resident of village- Patraha, P.S.-
B. Kothi, Distt- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

Recovery is of total 1245.60 liters of English wine
from the pick-up van.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of suspicion. He
further submits that it appears from the F.I.R. as well as seizure



list that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from one Tata Van. He further submits that petitioner is not the owner of the said vehicle and he has no concern at all with the alleged recovery or vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Balarampur P.S. Case No. 160 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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