

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23316 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- KARJAIN District- Supaul

Anil Kumar @ Anil Kumar Mandal S/o Dev Narayan Mandal R/o village-
Jhilla Dumari, Ward No. 10, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendar Prasad, Advocate.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Upendar Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Karjain P. S. Case No. 146 of 2021 (S.T. Excise Case No. 1336 of 2021) registered for the offences punishable under Sections 30 (A) and 41 (1) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police in course of patrolling duty intercepted a Magic Car and



on search being made total 891 litres of Indian made foreign liquor was recovered. It is further submitted that the petitioner was also apprehended from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has no concern with the alleged car nor with the recovered illicit wine. He was an unfortunate one, who took a lift on the said car, in the meantime, the Police intercepted and apprehended him. It is next submitted that the only because of his past criminal antecedent, his name has been implicated in this case and moreover, this petitioner is in custody since 24.11.2021, though the investigation of the crime is already completed, the charge-sheet has been submitted and moreover, he is ready to give undertaking that he will co-operate in the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested while he was sitting in the car from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is completed and the charge-sheet has been submitted and there is no likelihood of commencement of



trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II-cum S.T. Judge, Excise, Supaul or its successor court in connection with Karjain P. S. Case No. 146 of 2021 (S.T. Excise Case No. 1336 of 2021), subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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