

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24172 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- CHORAUT District- Sitamarhi

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UMESH MANDAL SON OF LATE RAMDEO MANDAL R/O- VILLAGE-
BAKHARI MANDAL TOLA, P.S.- BAJPATTI, DISTRICT- SITAMARH

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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

Choraut P.S. Case No. 41 of 2022 registered for the offences

punishable under Section 414 of Indian Penal Code and under

Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, total 52.5 litres Nepali

country made Saufi has been recovered from two motorcycles.

It is alleged that the petitioner was driving one motorcycle. The

petitioner is apprehended on spot alongwith other co-accused

persons.

Learned counsel for the petitioner submits that



petitioner is in custody since 04.03.2022. Petitioner bears criminal antecedent of one case of similar nature. 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 has been recovered from the possession of the petitioner. The petitioner is not the owner of the alleged motorcycle as well as no any connection with recovered illegal Nepali Saufi wine.

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, 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 – II, Sitamarhi, in connection with Choraut P.S. Case No. 41 of 2022, 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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