

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23541 of 2022

Arising Out of PS. Case No.-536 Year-2021 Thana- GOPALPUR District- Bhagalpur

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Ajay Mandal S/o Late Navi Mandal R/o village- Gyani Das Tola Uarashiya,
P.S.- Rangra, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 23903 of 2022

Arising Out of PS. Case No.-536 Year-2021 Thana- GOPALPUR District- Bhagalpur

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Rohit Kumar Son of Sri Pulic Mandal Resident of Village - Ushariya
Tintanga, P.s.- Rangra, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 23541 of 2022)

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 23903 of 2022)

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Gopalpur Rangra P.S. Case No. 536 of 2021 lodged under

Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per the prosecution case, the total recovery in this case is 15 liter prepared desi wine and 1100 liter unprepared desi wine made in this case.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot and their name were disclosed by the local Chaukidar with whom they had an inimical relation. Learned counsel for the petitioners further submits that the alleged recovery was not made from the conscious possession of the petitioners. He further submits that criminal antecedent of petitioners are clean and they are in custody since 27.12.2021, chargesheet has already been filed in this case. He further submits that the co-accused of this case has already been granted bail by the Co-ordinate Bench of this Court (Annexure-2).

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Bhagalpur

in connection with Gopalpur (Rangra) P.S. Case No. 536 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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