

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23715 of 2022**

Arising Out of PS. Case No.-471 Year-2020 Thana- GOPALPUR District- Bhagalpur

Uday Mandal S/o Gulchi Mandal @ Ram Vachan Mandal R/o village-
Simariya, P.S.- Rangra (O.P.), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 471 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.12.2021.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, there is
recovery of 25 litres of country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery is from the open area like Ganga diyara, not from the conscious physical possession of the petitioner. It is submitted that similarly situated co-accused person has already granted bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 3330 of 2022 dated 04.03.2022. It has further been submitted that petitioner is involved in one case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the alleged recovery is made from the open area like Ganga diyara.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gopalpur P.S. Case No. 471 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Excise Judge-First, Bhagalpur/concerned court,
subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ashish Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

