

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23447 of 2022

Arising Out of PS. Case No.-586 Year-2021 Thana- GOPALPUR District- Bhagalpur

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Jangali Mandal, Son of Jagdish Mandal, Resident of Village - Mukeri, P.S. -
Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Praveen Kumar Agrawal, learned counsel
for the petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Rangra P.S. Case No. 586 of 2021 registered
for the offences punishable under Sections 30(a) (b)(c) of the
Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police
on a secret information that in village Mukeri, this petitioner is
involved in preparing country made liquor in his maize field,
raided the place of occurrence and the petitioner was arrested at
the spot. It is further alleged that on search being made two



litres country made liquor was recovered and 1000 litres half prepared country made liquor was also recovered, which was destroyed by the police.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged maize field does not belong to the petitioner. However, during the course of investigation it has come that the maize field belongs to one Dipa Thakur of village Rangra. It is further submitted that there is no independent witness to the seizure list and this petitioner being a labourer was working in the maize field and on suspicion he was arrested, inasmuch as the petitioner is having no criminal antecedent. It is lastly submitted that the petitioner is in custody since 19.11.2021, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested at the spot.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged maize field does not belong to the petitioner and moreover he is in custody since 19.11.2021 having no criminal antecedent,



apart from the fact that the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, 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 Special Judge, Excise Court No.-I, Bhagalpur in connection with Rangra P.S. Case No. 586 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.

(Harish Kumar, J)

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