

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24710 of 2022

Arising Out of PS. Case No.-436 Year-2021 Thana- GOPALPUR District- Bhagalpur

Tiklu Mandal, Son of Pairu Mandal, Resident of Village- Shanti Nagar,
Mukeri Tola, P.S.- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 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. Saket Tiwari, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gopalpur P.S. Case No. 436 of 2021 registered for the offences punishable under Sections 30(a)(b)(c) of the Bihar Prohibition of Excise Act, 2016.

As per prosecution case, it is alleged that from the house of the petitioner 20 litres of Chulai (country made) liquor and other utensils and materials used for the purpose of manufacturing country made liquor were seized. On noticing the police party, the petitioner succeeded in fleeing away.

It is submitted by the learned counsel appearing on



behalf of the petitioner that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from the actual conscious possession of the petitioner, rather the alleged recovery has been made from the joint family house and moreover the seized utensils are ordinarily house hold articles used in day-to-day work. It is next submitted that the petitioner is in custody since 30.10.2021 having fair antecedent and moreover 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 recovery has been made from the house of the petitioner.

Having considered the submissions made on behalf of the parties and considering the period of custody as well as the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and moreover the alleged recovery has been made from the joint family house of the petitioner, 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 Act-I, Bhagalpur in connection with Gopalpur P.S. Case No. 436 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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