

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24758 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- PUPRI District- Sitamarhi

MANGAL DAS SON OF KHELAWAN DAS RESIDENT OF VILLAGE-  
AWAPUR, WARD NO 04, P.S- PUPRI, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      06-08-2022                      Heard learned counsel for the parties through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Pupri P.S. Case No. 107 of 2021 under Sections 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act.

The allegation against the petitioner is that the police party was on patrolling duty, on secret information, raided the house of co-accused, Bindeshwar Das and one person was present there who disclosed his name as of the petitioner. On search, it is alleged that several bottles of foreign liquor totalling 141.48 liters were recovered/seized.

Learned counsel for the petitioner submits that the



allegation is of recovery/seizure of 141 liters 480 ml of foreign liquor from the house of Bindeshwar Das. He further submits that the petitioner was part of the local people, who had assembled there and upon seeing the presence of the police party, dragged in this case. He submits that he has no role to play in the said alleged recovery. He further submits that he has no criminal antecedent and is in custody since 25.06.2021 (as stated in paragraph-13 of the bail application).

Taking into account the aforesaid facts that the recovery is alleged to have been made from the house of Bindeshwari Das and the petitioner was simply present in the said house on which he has been arrayed in this case, he has no criminal antecedent and is in custody since 25.06.2021 as also the fact that the charge sheet stands submitted, this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge – II cum Special Judge (Excise), Sitamarhi in connection with Pupri P.S. Case No. 107 of 2021, subject to the following conditions.

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

