

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25759 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Suraj Kumar Mandal Son of Akhileshwar Mandal Resident of Village - Janki
Asthan, Mandal Nagar, Ward No.05, P.S. and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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

Complaint Case No. C2-121 of 2022 registered for the offence

under Sections 30(a) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the prosecution
report and is in custody since 27.03.2022.

The allegation against the petitioner is to have in

possession of 121.560 liters of foreign liquor, which was

recovered from a cart.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made from a cart, which does not belongs to the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged cart, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. C2-121 of 2022 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 Judge, Exclusive



Excise Court-2, Sitamarhi/concerned Court, subject to the following conditions:

“(i) That 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.

(ii) That one of the bailors shall be Pawan Mandal, who is the grandfather of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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