

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26709 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Sanjeev Mandal @ Sanjeev Kumar, Son of Rajendra Mandal Resident of
Village - Jagdamba Nagar, Chouri, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Ahiyapur P.S. Case No.373/2021 instituted under Sections 272 and
273 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case in short is that one Manoj Kumar
posted as ASI at Ahiyapur P.S. on 11.06.2021 submitted a written
report before the Officer-in-charge of Ahiyapur P.S. stating therein
that while' he was on patrolling duty along with other police
personnel at 14.45 hours he got secret information that Sanjeev
Mandal and Kamlesh Kumar are selling foreign liquor near Bairiya
Bus stand gate no-1. The informant gave information superior
police officer and went at gate no-1 but the accused persons
succeeded in fleeing away. On inquiry, the persons who fled away



where Sanjeev Mandal and Kamlesh Kumar and in presence of independent witnesses 43.890 liter foreign liquor was seized which was signed by the witnesses and informant has prayed for suitable legal action in accordance with law.

Learned counsel for the petitioner submits that the alleged recovery of 43.890 liter of foreign liquor has been shown to be recovered from the bus stand which is a public place and in that background of the fact that the petitioner cannot be implicated in the alleged recovery. He further submits that he has clean antecedent and he is in jail since 02.04.2022 (as stated in para-9 of the bail application). He lastly submits that one of the similarly placed co-accused namely Kamlesh Kumar @ Kamlesh Kumar Trivedi has since been enlarged on bail by a co-ordinate Bench of this Court on 09.03.2022 vide Cr. Misc. No.68364/2021.

Taking into account the fact that the recovery /seizure has been shown to be from a bus stand, the petitioner has no criminal antecedent, charge-sheet stands submitted and he is in custody since 02.04.2022 as also the fact that one of the similarly placed co-accused has since been enlarged on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ahiyapur P.S. Case No.373/2021 to the satisfaction of learned Special Judge, Excise



Court No.1, Muzaffarpur, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

