

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26627 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Pramod Mandal, Son of Late Bilat Mandal, R/o Village- Murliyachak, Ward
No. 3, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 03-08-2022 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. Saurav Anand, 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 Complaint Case No. C2- 120 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, it is alleged that during
patrolling by the Excise officials, they apprehended the
petitioner with Thela and on search being made 105.200 litres of
illicit Indian made foreign liquor was recovered.



It is submitted by the learned counsel for the petitioner that the petitioner is a Thela puller and he was carrying goods in the cartoon, which was hired by a motorcycle rider, however, on noticing the police party, motorcycle rider fled away and thereafter recovery has been made. It is further submitted that the petitioner has neither any concern with the alleged recovered illicit liquor nor he is acquainted with the motorcycle rider. It is lastly submitted that the petitioner is in custody since 27.03.2022 having fair antecedent and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is a Thela puller and he is in custody since 27.03.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds 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-II,



Sitamarhi in connection with Complaint Case No. C2- 120 of 2022 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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