

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27484 of 2022**

Arising Out of PS. Case No.-475 Year-2021 Thana- GOPALPUR District- Bhagalpur

LAXMAN MANDAL son of Chamaklal Mandal Resident of Village -
Navatolia, P.S. Rangara O.P., District - 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 : Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Saket Tiwary, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gopalpur (Rangara O.P.) P. S. Case No. 475 of 2021 registered for the offences punishable under Sections 30 (a)(b)(c) of the Bihar Prohibition and Excise



(Amendment) Act and Section 25 (1-B) a/26/35 of the Arms Act.

As per the prosecution case, it is alleged that the Police, on a secret information that the petitioner and one co-accused person are engaged in preparation of illicit wine, raided the place in question and the petitioner along with one another person were apprehended and on search, one loaded country-made pistol and three live cartridges were recovered from the possession of this petitioner. It is further alleged that from the place of occurrence 1000 litres semi prepared illicit wine and 50 litres country-made wine along with other utensils/apparatus were also recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, in fact, on account of some dispute between the police and the petitioner, his name has been implicated in this case and moreover, the petitioner having fair antecedent, is in custody since 17.10.2021. It is next submitted that there is various irregularities in the seizure list and moreover, no independent witness to the alleged occurrence. It is lastly submitted that the investigation of the crime is already completed and the charge



sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested along with the arms and illicit wine.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 17.10.2021, having fair antecedent and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion, let the petitioner, above named, 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-I, Bhagalpur in connection with Gopalpur (Rangara O.P.) P. S. Case No. 475 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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