

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40128 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- HATHAURI District- Samastipur

RAM PRAKASH MANDAL, S/O Late Mohanthi Mandal, R/O Village -
Pura, P.S. - Hathauri (Shivaji Nagar O.P.), Dist. - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-02-2022 Heard learned counsel for the petitioner and Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Hathauri (Sshivaji Nagar O.P.) P.S. Case No. 32 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act. He is in custody since 09.03.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was on patrolling duty with other police party, on information, he reached at the house of Ram Prakash Mandal (petitioner), on seeing police party, all the three accused persons tried to escape but one of them was arrested and disclosed his name as Ram Prakash Mandal. The informant further alleged that on search of the house of the petitioner total 480.030 liters of illegal liquor in



2124 bottles were recovered and seized accordingly.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the house, from where the illicit liquors were recovered, is a joint family house.

Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that 480 liters of liquors have been recovered from a house in which apart from the petitioner other family members are also residing, it is a joint house of the family and further submission that the petitioner has been falsely implicated in this case because he was proposed to contest the Gram Panchayat Election, the petitioner who has otherwise no criminal antecedent and is in custody since 09.03.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Samastipur in connection with Hathauri (Sshivaji Nagar O.P.) P.S. Case No. 32 of 2021, subject



to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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