

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29526 of 2022**

Arising Out of PS. Case No.-328 Year-2020 Thana- GOPALPUR District- Bhagalpur

Mukesh Mandal S/o Paro Mandal Resident of Village- Simariya, P.S.- Rangra,  
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Indeshwari Prasad Mandal  
For the Opposite Party/s : Mr. Narsingh Tanti, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      06-08-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 800 litres half processed country made liquor along with 4 Gas Cylinderd, one stove along with one pipe, one big Aluminum Dekchi.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it



appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the bamboo orchard of co-accused namely Uday Mandal and Umesh Mandal. He further submits that the name of the petitioner has been transpired only on the basis of disclosure made by co-accused person namely Uday Mandal and the petitioner was not arrested at the place of occurrence and the petitioner is in custody since 14.04.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gopalpur (Rangra O.P.) P.S. Case No. 328 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

**(Rajesh Kumar Verma, J)**

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