

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31284 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- KAHALGAON District- Bhagalpur

Jyotish Mandal Son Of Late Bhola Mandal R/O Village- Pakki Sarai, P.S.-
Kahalgaon (GHOGHA), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Ranjan Kumar Jha, 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 Kahalgaon (Rasalpur) P. S. Case No. 105 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police, on a secret information, apprehended this petitioner and on search, total 20 litres Mahuwa wine kept in a plastic jar was



recovered from his possession.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner and he has been apprehended by the police only on suspicion. It is further submitted that the petitioner has no concern with the plastic jar, which was kept beside him and furthermore, there is no compliance of Section 100 of the Cr.P.C. and only because of the two past criminal antecedent, his name has been implicated in this case. It is lastly submitted that the petitioner is in custody since 11.02.2022 and after completion of the investigation, the charge sheet has been submitted.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 11.02.2022 and after completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, 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, Exclusive Excise Court No. 2, Bhagalpur in connection with Kahalgaon (Rasalpur) P. S. Case No. 105 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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