

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41843 of 2021**

Arising Out of PS. Case No.-154 Year-2019 Thana- SINGHIYA District- Samastipur

Jay Jay Mandal Son Of Parmeshwar Mahto @ Parmeshwar Mandal @ Hareram Mandal @ Rameshwar Mandal Resident Of Village - Kameshwarnagar, Shivajeengar, P.S.- Hathauri (Shivajee Nagar), Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 15-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed Mojibur Rahman, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Singhia P.S. Case No. 154 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016. He has got one criminal antecedent in which he is on bail. The petitioner is in custody in connection with the present case since 26.04.2021.

Learned counsel for the petitioner submits that as per the prosecution story, one Md. Shaukat was arrested with the



truck which was carrying the illicit liquors. The driver and khalasi fled away. It is the said Md. Shaukat who disclosed that this petitioner had made him to sit on the truck and had given a mobile phone where the truck loads were to be delivered. The petitioner allegedly told Md. Shaukat that the illicit liquors loaded on the truck are to be delivered to Dayanand Poddar, Pradeep Yadav, Dilip Yadav and Neeraj Kumar Singh. It is on the basis of this statement of the co-accused that the name of the petitioner has transpired in the present case.

Learned counsel submits that in course of investigation, no substantive material has been collected to connect the petitioner with the said Md. Shaukat. It is his further submission that Md. Shaukat has been granted privilege of bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 82531 of 2019. It is further submitted that co-accused Dilip Yadav has also been granted bail vide Cr. Misc. No. 2338 of 2020.

Learned counsel submits that in these circumstances, considering that the petitioner has already remained in custody for more than 9 months and investigation against him is complete, his further presence in the course of trial may be secured, therefore, the petitioner deserves privilege of bail.



Learned APP for the State has though opposed the prayer for bail of the petitioner saying that his name has transpired in the statement of the co-accused Md. Shaukat but considering the entire facts and circumstances particularly that except the statement of the Md. Shaukat no other material has been brought to the notice of this Court and even in the impugned order no other material is indicated, further that two co-accused have been granted bail and the petitioner has remained in custody for over 9 months during which investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Samastipur in connection with Singhia P.S. Case No. 154 of 2019, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

