

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44136 of 2021

Arising Out of PS. Case No.-94 Year-2021 Thana- SANOKHAR District- Bhagalpur

1. SONU KUMAR MANDAL Son of Late Dhanpatti Mandal Resident of Village - Pakkisarai, P.S.- Ghogha, District - Bhagalpur.
2. Ghanshyam Mandal Son of Late Chuni Mandal Resident of Village - Pakkisarai, P.S.- Ghogha, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-03-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 14.06.2021, seek regular bail in connection with Sanokhar (Amdanda) P.S. Case No. 94 of 2021 registered for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is of recovery of 102 litres of *Mahua* wine from an e-rikshaw.

Learned counsel appearing on behalf of the petitioners



submits that one of the petitioners is the driver of the said vehicle and another is his accomplice. No recovery has been made from their conscious possession. Two passengers who were accompanying their vehicle had fled away leaving the liquor which was not known to the petitioners neither they are concerned in any manner with the seized illicit *Mahua* liquor. Petitioners have clean antecedent and they are in custody since 14.06.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners.

Considering the facts and circumstances of the case, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2-cum-Special Judge (Excise Act), Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 94 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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