

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44118 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- BARSOI District- Katihar

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DINDAYAL MANDAL@ DIN DAYAL MANDAL @ DIN DAYAL
KUMAR, Son of Rajendra Prasad Mandal, Resident of Village- Kabaiya,
P.S.- Hasanganj, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2022 Supplementary affidavit filed on behalf of the petitioner
has been taken on record.

Learned counsel for the petitioner undertakes to remove
all the defects as pointed out by office within four weeks after start
of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barsoi P.S. Case No. 44 of 2021 registered for the
offences punishable under Sections 30(a), 41, 47 of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
16.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant along with other police



officials on secret information intercepted a tractor in which a driver and two other persons were present. On search of the said tractor trailer, total 578.280 liters of illicit liquor were recovered and all three accused persons were apprehended. On inquiry, accused persons disclosed that they were going to deliver the said liquor to Dindayal Mandal (this petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused and he was not present at the spot. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 16.04.2021.

Learned counsel submits that the investigation is complete and presence of the petitioner may be secured in course of trial.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the statement of the apprehended accused but he was not present on the tractor from which the illicit liquors were seized, tractor owner is the co-accused Pankaj Tiwary, the petitioner had no criminal antecedent prior to the



present case but in this case he has been taken on remand in another case of similar nature, in connection with this case the petitioner has remained in custody since 16.04.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Katihar in connection with Barsoi P.S. Case No. 44 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 steps 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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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'.

