

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44533 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- SANOKHAR District- Bhagalpur

Ashok Kumar Mandal @ Ashok Mandal S/O Late Nemani Mandal R/O
Village- Sathiari Bamiya, P.S.- Sanokhar (Amdanda), District- Bhagalpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 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 Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sanokhar (Amdanda) P.S. Case No. 101 of 2021 registered for the offences punishable under Section 30(a), 32(2)(g) of Bihar Prohibition and Excise Act, 2016. He is in custody since 28.06.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, policy party on secret information intercepted a bus and on search, total 190.5 liters of foreign liquor was recovered from the roof of the said bus and the driver of the bus



(this petitioner) was apprehended.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the driver of the bus and he has no concern with the allegedly recovered illicit liquor. The petitioner has remained in custody since 28.06.2021 having no criminal antecedent.

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

Having regard to the submission that the petitioner is the driver of the bus, the alleged recovery is from the roof of the bus and it is his submission that the petitioner while driving the bus had no reason to know that who are the passengers who have kept their luggage on the roof of the bus and what are kept there inside the luggage, considering that the petitioner has no criminal antecedent and has remained in custody since 28.06.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge (Excise Act) Bhagalpur, District-Bhagalpur in connection with Sanokhar (Amdand) P.S. Case No. 101 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 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'.

