

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35214 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- VIJAYEPUR District- Gopalganj

CHHANGUR MANDAL @ CHANGUR MANDAL S/O-LATE SUBASH
MANDAL R/O- VILL- HARDIYA MUSAR TOLI, P.S.- VIJAIPUR, DIST.-
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Vijaipur P.S. Case No. 268 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 74.5 litres country made chulai liquor from the place of
occurrence. Local Chaukidar disclosed the name of present
petitioner who fled away from the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 12.04.2022. Petitioner bears two criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. There is no compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge Excise, Gopalganj in connection with Vijaipur P.S. Case No. 268 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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