

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36431 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- JAYNAGAR District- Madhubani

Ayodhya Mandal @ Aodhi Mandal, Son of Mahendra Mandal, Resident of
Village-Dulli Patti, P.S.-Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jaynagar P.S. Case No. 272 of 2021 corresponding to G.R. No. 1834 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information that the petitioner has concealed illicit liquor at his flour mill and a raid was conducted and on search of motorcycle kept in the premises of the said mill, 153 litres of Nepali country



made liquor was recovered from the dicky and seat of the motorcycle.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot and nothing has been recovered from his conscious possession. It is apparent from the FIR that the recovery has been made from the motorcycle and the petitioner has no concern with the said motorcycle. Moreover, the premises from where recovery has been made is a joint family property and the petitioner cannot be held liable for recovery of illicit liquor. Moreover, there has been no compliance of Section 100 of Cr. P.C. and no independent witness was joined during search and seizure. The petitioner is in custody since 24.04.2022.

Learned APP opposes the prayer for bail submitting that one case is pending against this petitioner.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been made from the conscious possession of this petitioner and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani,
in connection with Jaynagar P.S. Case No. 272 of 2021
corresponding to G.R. No. 1834 of 2021, subject to the
conditions mentioned in Section 437(3) of the Code of Criminal
Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.

(ii) One of the bailors will be the deponent, who
has sworn the affidavit.

(iii) The petitioner will remain present on each
and every date fixed by the court below.

(iv) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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