

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36824 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- ISMAILPUR District- Bhagalpur

PAPPU MANDAL @ PAPPU KUMAR MANDAL @ JICHO KUMAR Son
of Siyaram Mandal Resident of Village-Maharaj Mandal, Tola-Chhoti
Parabatta, P.S.-Ismailpur, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, 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 virtual court proceeding.

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 Ismailpur P.S. Case No. 33 of 2022 registered for
the alleged offences under Sections 30(a)/ 32(ii) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police received secret
information about a car loaded with illicit liquor and on
verification, a white coloured Maruti 800 was found and two
persons trying to escape from the said car were apprehended. From
the search of this car total 174 liters of India made foreign liquor



was recovered. The petitioner is one of the apprehended persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. In fact, the petitioner is suffering from mental problem and he was being treated by a doctor. On the alleged dated of occurrence, the petitioner was wandering here and there and police started chasing Pawan Kumar and due to fear and misconception, the petitioner also started running away and the police apprehended the petitioner. Learned counsel further submits that no recovery has been made from this petitioner and he has no concern either with the seized liquor or with the seized car or even with the co-accused Pawan Kumar. Charge sheet has been submitted in this case and the petitioner is in custody since 22.03.2022. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner though it is alleged that he tried to run away and further considering the submission of charge sheet along with the period of his custody and his clean antecedent, 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 Special Excise Judge-1, Bhagalpur in connection with Ismailpur P.S. Case No. 33 of 2022, 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 a close relative of the petitioner.

(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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