

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40363 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- RUDRAPUR District- Madhubani

JAI KISHUN MANDAL S/O SUKHDEO MANDAL Resident of village-
Gajhara, P.S.- Ladania, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Subhash Kumar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rudrapur P. S. Case No. 59 of 2022 registered for the offences punishable under Sections 272 and 273 and 379 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that the police, on a secret information, raided the shop of one Sunil Thakur and in course of raid, one Santro car and two motorcycles were recovered. It is also alleged that five persons



including the petitioner were apprehended from the place of occurrence. On search, total 465.640 litres illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, on the fateful day, the petitioner went to the shop of Sunil Thakur on account of some business purposes but in the meantime, raid was conducted and he was also apprehended by the police on suspicion. It is also submitted that the petitioner has neither any concern with the shop nor with the recovered illicit wine or vehicles, which were allegedly recovered from the shop of co-accused person. It is further submitted that the petitioner having fair antecedent, is in custody since 22.04.2022 and moreover, it is evident from the seizure list that the entire recovery has been made from the shop of co-accused person.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from the shop of co-accused person and the petitioner has neither any concern with the shop nor with the vehicles and the wine, which is said to have been recovered



from the said shop and the petitioner, having fair antecedent, is in custody since 22.04.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Rudrapur P. S. Case No. 59 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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