

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40282 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- SANHAULA District- Bhagalpur

VAKIL MANDAL Son of Late Sanichar Mandal @ Shanichar Mandal
Resident of Village - Farka, P.O.- Farka, P.S.- Sabour, District - Bhagalpur,
Pin - 813210.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ranjan

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 Learned counsel for the petitioner is permitted to
make necessary correction in paras 1, 12 and prayer portion of
the bail petition in course of the day.

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 Sanhoula
P.S. Case No. 65/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amended) Act, 2018.

As per prosecution case, there is alleged recovery of
total 54 liters country made Mahua wine from the motorcycle in



question and the petitioner apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 31.05.2022 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the petitioner is neither owner of the said motorcycle in question nor concerned with the alleged seized foreign liquor. Seizure list has not been prepared as per law.

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

Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Exclusive Excise-2, Bhagalpur in connection with Sanhoula P.S. Case No. 65/2022, 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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