

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40277 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- CHORAUT District- Sitamarhi

SHATRUGHAN MANDAL Son of Late Jogi Mandal R/o village - Choraut,
P.S.- Choraut, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, 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. Ashok 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 Choraut P. S. Case No. 102 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted a bicycle and a motorcycle. It is also alleged that the police party apprehended one person, who disclosed the name of Bikru Ram, who was driving the motorcycle and managed to escape, he further



disclosed that the liquor was brought from the petitioner. On search, total 105 litres Nepali Saufi liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that so far the recovery of 105 litres illicit liquor from the bicycle as well as the motorcycle are concerned, the petitioner has neither owner of the said bicycle nor of the motorcycle, in question. It is also submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner. It is last submitted that the petitioner having fair antecedent, is in custody since 08.05.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

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 petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the



apprehended person, there is no other material suggesting the complicity of the petitioner in the present crime, 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, Exclusive Excise Court-II, Sitamarhi in connection with Choraut P. S. Case No. 102 of 2021, 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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