

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41814 of 2022

Arising Out of PS. Case No.-201 Year-2019 Thana- JALE District- Darbhanga

Deepu Mandal @ Ranjit Mandal, S/o Kari Mandal, R/o village- Basuki, P.S.-
Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-09-2022 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 Jale P.S. Case No. 201 of 2019 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, a car was intercepted after chase and from this car, 360 litres of Nepali country made liquor was recovered. Two co-accused persons were apprehended from the spot and co-accused Pintu Singh named this petitioner as the person who owns the recovered liquor as well as the vehicle.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has sold his vehicle to co-accused Pintu Singh but the ownership of the vehicle could not be transferred in the name of the co-accused. Other co-accused persons including Pintu Singh, who named this petitioner, have been granted bail by different Co-ordinate Benches of this Court vide order dated 04.03.2022 passed in Cr. Misc. No. 8102 of 2022 and order dated 16.01.2022 passed in Cr. Misc. No. 2193 of 2022, respectively. The petitioner has no knowledge about the recovery of liquor in car and he surrendered before the court on coming to know about the case. Charge-sheet has been submitted and the petitioner is in custody since 08.04.2022. The petitioner has no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also further considering the period of custody of the petitioner and submission of charge-sheet, 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 Exclusive Special Excise Court No.1, Darbhanga in connection with Jale P.S. Case No. 201 of 2019, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

(i) One of the bailors will be Kari Mandal, father of the petitioner, who has sworn the affidavit.

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

(iii) 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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