

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43400 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- ANDHRAMATH District- Madhubani

Ram Sundar Kumar Mandal @ Ram Sundar Mandal S/O Jamahir Mandal
Resident of village- Jhutaki, P.S.- Tharhi, District- Saptari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pramod Kumar Yadav, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Andharamath P.S. Case No. 68 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

In course of checking the S.S.B. *Jawan* found that several persons carrying articles on their head, were coming to India from Nepal, however, on noticing the police party the



persons succeeded in fleeing away, after throwing their articles. But the petitioner was apprehended on the spot and on search total 450 liters Mamashree Nepali country made wine was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that several persons were carrying articles on their head and on noticing police party, they succeeded in fleeing away, after throwing the illicit wine and from that it would be evident that in fact the alleged illicit wine was not carried by the petitioner because he being a bona fide passer by remained standing there and later on apprehend by the police on suspicion. He further submitted that the petitioner having fair antecedent, is in custody since 06.05.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted. He also submitted that there is no compliance of Section 100 of Cr.P.C. apart from defiance of Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner having



fair antecedent, is in custody since 06.05.2022 and now the investigation of the crime is already complete and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, 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 Sepcial Judge Excise Act, Jhanjharpur in connection with Andharamath P.S. Case No. 68 of 2022, subject to the condition that one of the bailors will be the close relatives 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)

manoj/-

U		T	
---	--	---	--

