

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43339 of 2022

Arising Out of PS. Case No.-410 Year-2021 Thana- GOGRI District- Khagaria

Kapileshwar Mandal, S/O Kailash Mandal R/O Village- Goraiya Bathan, P.S.-
Gogri, District- Khagaria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
30(a) of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 10 litres of liquor and 2500 litres of jawa mahua
which was destroyed at the spot from the orchard of co-accused
Wakil Prasad.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that even the alleged place from where the recovery was made,



does not belong to the petitioner and he came to be implicated based on secret information which is the easiest way to implicate an innocent person like petitioner, who is person with clean antecedent in order to save the real culprit.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gogri P. S. Case No.410 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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