

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44189 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- GOPALPUR District- Bhagalpur

Rudal Mandal Son of Sharwan Mandal Resident of Village - Sahabad, P.S.-
Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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. Manoj Kumar Jha, 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 Gopalpur (Rangra) P.S. Case No. 247 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police in course of vehicle checking, intercepted one Maurti Omni and I-20 car. On search total 9.750 liter from Maruti Omni and 64.500 liters from I-20 car were recovered. It is further alleged that on noticing the police party, the persons,



who were sitting in the vehicle tried to flee away, however, on chase, they were apprehended.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly the petitioner was not apprehended, while he was sitting in the car rather allegedly he was apprehended on road after chase. It is further submitted that in fact the petitioner was a passerby, whose *Sasural* was just adjacent to the place of occurrence and in course of raid conducted by the police every persons started fleeing away and the petitioner was apprehended on suspicion. He next submitted that in fact only on account of his past criminal antecedent, the description of which has been mentioned in Paragraph-3, he has been apprehended by the police. He also submitted that now the investigation of the crime is already complete and the charge-sheet has been submitted. However, the petitioner is in custody since 25.05.2022

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 investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the



trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-I, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 247 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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