

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50551 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Manik Chandra Mandal @ Manik Mandal Son Of Sudhir Mandal R/O
Mohalla- Palani, P.S.- Mbaliapur, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Malaypur P.S. Case No. 58 of 2021 lodged under Sections 272,
273, 34 of the I.P.C. and Section 30(a), 36, 41 (I) of the Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 19 liter
wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 02.04.2022 and he is
on remand since 08.07.2022, in this case. He also submits that

petitioner was named in this case due to the confessional statement of one co-accused namely Vikash Kumar Modi, with whom the petitioner had inimical term. He submits that petitioner was neither apprehended from the place of occurrence nor anything incriminating has been recovered from his possession. Learned counsel submits that petitioner has 2 criminal cases pending against him and both cases are pertaining to Excise Act.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court-1, Jamui in connection with Malaypur P.S. Case No. 58 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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