

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51753 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- AMDABAD District- Katihar

Pawan Mandal Son of Anand Kumar Mandal Resident of Village- Gopalpur,
Police Station- Amdabad, District- Katihar.,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amdabad
P.S. Case No. 96 of 2022 registered for the offence under
Section 37(c) of the Bihar Prohibition and Excise Act and
Sections 279 and 304A of the Indian Penal Code, where
chargesheet has been submitted under Section 37(c) of the Bihar
Prohibition and Excise Act and Sections 279 and 304 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.05.2022.

The allegation against the petitioner is to drive a three



wheeler auto in drunken condition and as so met with an accident with one motorcycle, where the driver of the motorcycle received serious injuries, who during the course of treatment succumbed to said received injuries.

Learned counsel appearing on behalf of the petitioner submitted that maximum allegation against this petitioner is to drive the alleged auto-rickshaw (offending vehicle), without having a valid driving licence, as per the F.I.R., and even, if same find true, the specific provision of prosecution is available under Motor Vehicles Act. It is further pointed out that this is not a case of recovery of illicit liquor from the conscious physical possession of the petitioner rather maximum allegation is to be found in drunken condition. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as, admittedly, this is a case of accident, where petitioner is a man of clean antecedent coupled with the fact that



chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amdabad P.S. Case No. 96 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Exclusive Special Judge, Excise Court No.1, Katihar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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