

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53258 of 2022

Arising Out of PS. Case No.-341 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Lalit Mandal S/o Late Bindeshwar Mandal R/o village- Pura, P.S.- Hathauri
(Shivajeenagar O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-10-2022 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
Samastipur Excise Complaint Case No. 341 of 2019 lodged
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per the prosecution case, the total recovery of
125.280 litres of indian foreign made liquor has been made from
the poultry farm in this case.

Learned counsel for the petitioner submits that the
said poultry farm is a joint family property and it is not the

personal property of the petitioner. He further submits that poultry farm is a public place, it is not a private place. Series of persons including different relatives used to visit, he has unnecessarily been made accused in this case. Learned counsel for the petitioner submits that petitioner is in custody since 05.08.2022. He also submits that there are 2 criminal cases pending against him and in one case, he is on bail and in another case, he is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is a man of clean antecedent.

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) -02 Samastipur in connection with Samastipur Excise Complaint Case No. 341 of 2019, 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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