

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54151 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- RAJNAGAR District- Madhubani

Bhagirath Mandal, Son of Janak Mandal R/V- Ghiwahi, P.S- Rajnagar, Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Rajnagar P.S. Case No. 22 of 2022 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, police received secret informant about the petitioner and co-accused Bablu Paswan storing large quantity of India made foreign liquor in a heap of straw near the house of the co-accused Pramod Sadai. A raid was conducted and recovery of total 203.5 litres of India made foreign liquor was made from the identified place.

The learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern with the alleged recovery. It is clear from the FIR that the recovery has been made from the straw near the house of co-accused Pramod Sadai. During investigation, nothing came up against the petitioner except suspicion based on the secret information. The petitioner is in custody since 12.08.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering his period of custody along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 22 of 2022, subject to the



conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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