

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64097 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- BARSOI District- Katihar

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Pankaj Mandal @ Pankaj Tiwari (Male) aged about 45 years, Son of Late Prithvi Chandra Mandal, Resident of Village-Kalsar, P.S.- Hasanganj, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Thakur, Adv.
For the State : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Barsoi PS Case No. 44 of 2021*, instituted for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a)/41/47 of the Bihar Prohibition and Excise Act, 2016.

From a Tractor 578.280 liters English wine has been recovered. The co-accused, namely, Sonu Rishi (Driver of the tractor) and two other persons, namely, Guddu Rishi and Gopal



Yadav were arrested. The petitioner is stated to be owner of the tractor and, as per their statement, was indulging in trade of illicit liquor.

Petitioner's counsel submits that the petitioner was not present at the place of recovery nor there is any recovery from him. By no stretch of imagination, he can be saddled with the criminal liability in respect of the recovery made when his tractor was being used by other. He is in custody since 05-08-2021 and has one criminal antecedents, as per disclosure made in paragraph No 3 of the bail petition. It is also submitted that investigation is complete.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, the fact that prosecution does not allege petitioner's presence at the place of recovery or recovery from him as also completion of investigation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-IIInd-cum-



Special Judge, Katihar, in connection with *Barsoi PS Case No.*
44 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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