

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64886 of 2021

Arising Out of PS. Case No.-449 Year-2021 Thana- JOKIHAT District- Araria

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BHAGIRATH KUMAR, S/o Surendra Mandal @ Surendra Prasad Mandal
R/o Village- Ljoradaha, P.S.- Jokhat, District- Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar Singh
For the Opposite Party/s	:	Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Jokihat P.S. Case No. 449 of 2021, for the offence punishable
under Section 30(a) Bihar Prohibition and Excise Act, 2016.

The allegation is recovery of altogether 53.400 litres
of Codeine syrup alleged to be contained alcohol.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that nothing has been
recovered from his physical possession of the petitioner. He
further submits that the alleged recovery has been made upon
conduct of raid in the house of one co-accused Mohid, the



petitioner was apprehended by the Police after chase. The petitioner has clean antecedent and he is in custody since 12.09.2021. He further submits that Section 30(a) of the Bihar Prohibition and Excise Act is not attracted in the present case and as such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, without going into the merits of the case taking into consideration the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 30,000/- (Rs. Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise), Araria, in connection with Jokihat P.S. Case No. 449 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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