

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71506 of 2021

Arising Out of PS. Case No.-209 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Manoj Kumar Mandal Son Of Sukhdev Mandal Resident Of Village-
Bandkhara, P.S- Sariya, Dist- Giridh (JHARKHAND).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2022 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and Mrs. Asha Kumari, the learned APP for the State.

The petitioner is in judicial custody in connection
with Suryagarha P.S. Case No. 209 of 2021 registered under
section 30(a) of Bihar Prohibition and Excise Act, 2018.

The prosecution story is that upon secret information
that some persons are engaged for the purpose of delivery of
illicit liquor at village Kishanpur near Shiv Temple. The police
reached the place and saw a Bolero vehicle and two motorcycles
were parked there. The accused persons were apprehended and
upon search, from the Mahindra Bolero 105 litres of India Made
Foreign Liquor was recovered. Similarly, 17.280 and 8.640 of
India Made Foreign Liquor were also recovered from the said
two motorcycles.



Learned counsel for the petitioner submits that he has no criminal antecedent and had no knowledge of the presence of liquor inside the vehicle being its make shift driver in the absence of permanent driver and for the said alleged incident, he has suffered a lot by being in jail since 21.9.2021 (as stated in para-10 of the bail application).

Considering the fact that the petitioner has no criminal antecedent and is in jail since 21.9.2021 as also the fact that charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail but in case it is found that he has criminal antecedent, the bail order shall stands rejected.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge Judge Excise, Lakhisarai, in Suryagarha P.S. Case No. 209 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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