

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71726 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- KHAJAULI District- Madhubani

Ganpat Mandal @ Ganpati Mandal S/O Late Vilat Mandal @ Bilat Mandal
R/o village- Kushmar, P.S.- Khajauli, District- Madhubani

The State of Bihar

... .. PetitionerVersus

... .. Opposite Party

Appearance :

For the Petitioner/s : Miss.Kumari Shubham

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard Miss. Kumari Shubham, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Khajauli P.S. Case No. 166 of 2021 for the offence under
sections 272/273 of the Indian Penal Code and 30(a) of Bihar
Prohibition and Excise Amendment Act, 2018.

The police upon information raided a hut and
recovered/seized altogether 335.70 liters of India Made Foreign
Liquor.

Learned counsel for the petitioner submits that a
perusal of FIR shows that the said liquor belong to the accused



Ajit Mandal who managed to escape as police raided the hut. She further submits that for the said occurrence, the petitioner has suffered a lot by being in jail since 5.10.2021 (as stated in para-11 of the bail application). She further submits that the petitioner has clean antecedent.

Considering the fact that the alleged liquor belong to the accused Ajit Mandal, the petitioner does not have any criminal antecedent and is in custody since 5.10.2021, this Court is inclined to grant him the privilege of bail.

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 learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Khajauli P.S. Case No. 166 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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