

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1725 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- SULTANGANJ District- Bhagalpur

MAHESH MANDAL S/o Late Lakhan Lal Mandal R/o village- Athgama
(Kashmabad), P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Ms. Pravina Kumari, Advocate Mr. Bijendra Kumar, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sultanganj P.S. Case No. 264 of 2021 registered for the offences punishable under Section 30(a) of Bihar Excise and Prohibition Act, 2018. He is in custody since 02.12.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant, who was on patrolling duty on 01.12.2021, got secret information that one Dipak Mandal and Mahesh Mandal had stored illegal liquor



in their house. On such information he reached near the house of the petitioner, on seeing police party one person escaped and apprehended person disclosed his name as Mahesh Mandal (the petitioner). On search of the house of the petitioner total 199.875 liters of illegal liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from his possession and he is 60 years old person having no criminal antecedent.

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

Having regard to the submission that the petitioner who has no criminal antecedent has remained in custody in connection with this case since 02.12.2021, investigation against him is complete and his presence may be secured in course of trial, therefore this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Bhagalpur in connection with Sultanganj P.S. Case No. 264 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

