

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71399 of 2022**

Arising Out of PS. Case No.-190 Year-2022 Thana- NATHNAGAR District- Bhagalpur

NAVIND MANDAL @ NAVEEN MANDAL@ NAVEN KUMAR
MANDAL SON OF BAIJU MANDAL R/O VILL- BARGACHIA
HARIYARI, P.S.- PODIYA HAT, DISTT.- GODDA (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 23-12-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 420, 467, 468, 328, 307/34 of the IPC and 30(a), 30(c), 30(d), 34 and 36 of Bihar Prohibition and Excise Act.

Altogether 10 litres country made liquor which was kept in plastic bottles has been recovered from the place of occurrence. After seeing the police, the accused persons tried to fled away.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis of the confessional statement of confessional statement of co-accused. It is further stated that petitioner is a resident of



Jharkhand State, where there is no prohibition of liquor and even assuming that he has sold liquor to other co-accused persons at Jharkhand State then how he can be made accused in connection with a case lodged under the territory of Bihar . He is not named in the FIR but due to some business rivalry co-accused Manoj Mandal who is the co-villager of the petitioner has named this petitioner. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has five criminal antecedents, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 50,000.00/- (Rupees Fifty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with



Nathnagar (Lalmatiya) P.S. Case No.190 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.50,000.00/- (Rupees Fifty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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