

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26924 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- BIHARIGANJ District- Madhepura

Chandan Kumar Mandal Son of Late Ashok Kumar Mandal @ Ashok Mandal
Resident of village - Hathiondha, Ward no. 14, P.S. - Bihariganj, Distt. -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
18.02.2023, in connection with Bihariganj P.S. Case No. 45 of
2023, F.I.R. dated 17.02.2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition & Excise
Act, 2016 and Sections 25(1-b)a, 26 of the Arms Act.

3. The case relates to recovery of 12 litres of Mahua
liquor, one country made pistol and one live cartridge.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that 12 litres of



Mahua liquor has been recovered near the house of the petitioner and the petitioner was apprehended along with one country made and one live cartridge. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII cum-Special Judge Excise-02, Madhepura in connection with Bihariganj P.S. Case No. 45 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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