

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28081 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- AMDABAD District- Katihar

PASHUPATI MANDAL Son of Late Shaju Mandal @ Late Pashupati Mandal
Resident of village - Pyari Sarkar Tola @ Piya Sarkar Tola @ Mhananda Tola
@ Piya Sarkar Tola Gadai Maharajpur Mahananda Tola, P.S. - Ratua, Distt. -
Malda (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
08.03.2023 in connection with Amdabad P.S. Case No. 243 of
2022, G.R.No.5140 of 2022, F.I.R. dated 14.10.2022 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

Recovery is of 517.800 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Petitioner is not named in the FIR
and the name of the petitioner has been transpired during
investigation on the basis that the petitioner is owner of the



Tractor in question. Further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner has falsely been implicated in the present case for the reason that the petitioner is owner of the Tractor in quesiton and the same was released in favour of the petitioner by the learned court below itself after depositing the requisite amount. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.03.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, petitioner is not named in the FIR, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-1, Katihar/Successor Court in connection with Amdabad P.S. Case No. 243 of 2022, G.R.No.5140 of 2022,with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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 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.

(Rajesh Kumar Verma, J)

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