

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29270 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- KALUAHI District- Madhubani

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Ashok Mandal, Son Of Ganeshi Mandal Resident Of Village- Kuar Ward No. 5, Ps- Jaynagar, Distt- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 272,
273, 34 of the I.P.C. Section 30(a) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 121.88 litre of liquor recovered from a hut of
Kishori Singh.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on confessional statement of Kishori Singh in
police custody, which does not have any evidentiary value,



when admittedly, petitioner is a person with clean antecedent and he has no concern with Kishori Singh and even the alleged recovery is from a place which does not belong to the petitioner.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani in connection with Kaluahi P. S. Case No.94 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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