

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 32760 of 2023**

Arising Out of PS. Case No.-259 Year-2022 Thana- BANKA District- Banka

SUSHIL MANDAL S/O Subhash Mandal R/O Village- Bargachha, P.S-
Poraiyahat, Distt.- Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr Ashok Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 **24-05-2023** Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Special Excise Case No 391 (A) of 2022/Banka Police Station (for brevity, **PS**) Case No 259 (A) of 2022 dated 20.04.2022 registered for the offence punishable under Sections 272, 273, 328, 302/34 of the Indian Penal Code and Sections 33, 34, 37 of the Bihar Prohibition and Act.



As per the prosecution case, the petitioner is alleged to have sold poisonous liquor due to which one has died after consuming the said liquor.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has one more criminal case, as stated in paragraph 3 of the bail petition. He is in custody in this case since 26.02.2023. The other co-accused person, namely, Bikram Laiya has already been granted bail by the co-ordinate Bench of this Court vide order dated 17.03.2023 passed in Cr Misc No 57035 of 2022 (Annexure 2).

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in Special Excise Case No 391 (A) of 2022/ Banka PS Case No 259 (A) of 2022 dated 20.04.2022 subject to the following condition:



The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail is liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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