

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35810 of 2023

Arising Out of PS. Case No.-169 Year-2020 Thana- SURSAND District- Sitamarhi

Sundeshwar Mandal Son Of Bhola Mandal Resident Of Village- Salempur,
Ps- Saharghat, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sursand P.S. Case No. 169 of 2020 dated 19.06.2020, instituted
for the offence punishable under Sections 30(a), 38 and 41 of
the Prohibition and Excise Act, 2016.

3. As per the case of prosecution, 42 liters Nepali
Saufi liquor has been recovered from the motorcycle bearing
Registration no. BR32AB5164.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this
case. It is submitted that the petitioner is not named in the F.I.R.
whereas the F.I.R. was lodged against the rider of Hero Glamour
Motorcycle bearing Reg. No. BR32AB5164. It is further



submitted that though the petitioner had purchased the motorcycle in question in his name but at the time of departure from his house, he parked it at his door after handing over the key to his father. Learned counsel for the petitioner has placed reliance on the order dated 13.04.2022 passed by the Hon'ble Supreme Court in ***Criminal Appeal No. 626 of 2022 [arising out of SLP (Crl) No. 3005 of 2022]*** in case of ***Sweta Kumari vs. State of Bihar*** whereby, the anticipatory bail was granted despite the fact, liquor bottles were recovered from the scooty, was not being driven by the owner at the relevant point of time. This case is also on the same footing. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Sursand P.S. Case No. 169 of 2020, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Excise Court-II, Sitamarhi subject to condition as laid down



under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

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