

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40359 of 2023

Arising Out of PS. Case No.-281 Year-2023 Thana- NATHNAGAR District- Bhagalpur

ANIL MANDAL @ ANIL KUMAR S/O WAKIL MANDAL R/O Village-
Shankarpur, P.S- Nathnagar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mr. Aditya Nath Pandey, learned counsel for
the petitioner and learned APP for the State.

The petitioner is an accused in connection with
Nathnagar P.S. Case No. 281 of 2023 registered for the offences
under sections 30(a) and 30(d) of Bihar Prohibition and Excise
Act lodged on 10.04.2023 by the informant, Md. Mahtab.

The prosecution case, in short, that on 10-04-2023,
about 8:30 O'clock, informant was doing official work in police
station. In the meantime, he got secret information that Anil
Mandal, is manufacturing illegal liquor near the river. On
information, the informant along with his associates reached the
spot and saw one person came out from the forest and escaped.
Thereafter, farmers have gathered at the place and disclosed the
name of the escaped person as Anil Mandal.

Further, they told that Anil Mandal is manufacturing



illegal liquor and selling it to the people. Further, in course of search of place in presence of witnesses, total 29 litres of country made liquor, kept in fifty litre plastic gallon, 100 litre semi constructed liquor (which was destroyed) one gas cylinder, one gas stove and aluminium utensil along with cap has been recovered from there. Thereafter, all recovered material has been seized and seizure list was prepared. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the alleged recovery is from the open place and further he has not been arrested from the spot rather on the basis of the name provided by the locals with whom he is not in good terms, has been dragged in this case and has already suffered by being in custody since 30.04.2023 (as stated in paragraph 10 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the period of custody (30.04.2023) as also the fact that he has no criminal antecedent, not arrested from the spot and the recovery/seizure is from the open place, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of the learned Special Judge, Exclusive Excise Court No. 2, Bhagalpur in connection with Special Excise Case No. 1926 of 2023 arising out of Nathnagar P.S. Case No. 281 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

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