

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46828 of 2023**

Arising Out of PS. Case No.-513 Year-2023 Thana- KAHALGAON District- Bhagalpur

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SANJAY MANDAL S/O SHIV MANDAL R/O VILLAGE- DAYALPUR,
PS. ANTICHAK, DIST. BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Kahalgaon (Shivnrayanpur) P.S. Case No. 513 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 06.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 50 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that from the seizure list, it can be safely gathered that alleged illicit liquor not appears to be recovered from the conscious physical possession of this petitioner. It is submitted that



seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as seizure list is not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kahalgaon (Shivnrayanpur) P.S. Case No. 513 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court No.2, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall
not indulge in any criminal case till the



conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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