

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42564 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Amresh Kumar Mandal Son Of Sri Rajan Mandal @ Ranjan Mandal Resident
Of Village- Murliya Chak, Ward No. 7, Ps- Town, Sitamarhi, Distt- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-07-2023 Heard Mr. Sunil Prasad Singh, learned counsel

appearing on behalf of the petitioner and Ms. Meena Singh,

learned APP appearing on behalf of the State.

2. Petitioner seeks bail in connection with C2 Case
No. 21 of 2022 (C2 P.S. Case No. 21 of 2022) registered under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The petitioner has renewed his prayer for bail in the
present bail application. Earlier the petitioner was allowed bail
vide order dated 31.08.2022 passed in Cr. Misc. No. 14900 of
2022, however, the bail bond was not accepted considering the
report of the District Transport Officer, Sitamarhi.

4. The allegation is of recovery of 130.8 litres of
Nepali Soufi from Tempo bearing Engine No. S4H8317126.

5. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner was found to be sitting in the *tempo* bearing Engine No. S4H8317126 which as per the report of the District Transport Officer, Sitamarhi, is registered in the name of one Mahendra Das, who is co-villager of the petitioner. The petitioner is not involved in stealing any vehicle rather he was a passenger. Learned counsel further submitted that petitioner has been made accused merely on the basis of suspicion as the vehicle was found parked near his house. Petitioner has clean antecedent and he is in custody since 13.01.2022.

6. Learned APP has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having considered the submission made on behalf of the petitioner as well as the fact that earlier petitioner was released on bail but the bail bond was not accepted considering the report furnished by the District Transport Officer, Sitamarhi, from which it appears that the vehicle is registered in the name of one Mahendra Das, who is co-villager of the petitioner. The said fact is stated in Paragraph No. 7 of the bail application.

8. The petitioner, above named, is directed to be released on bail on similar terms and conditions as contained in order dated 31.08.2022 passed in Cr. Misc No. 14900 of 2022.

9. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/-
Minu/-

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