

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44494 of 2023**

Arising Out of PS. Case No.-379 Year-2022 Thana- DUMRA District- Sitamarhi

Surendra Kumar Mandal Son of Late Shambhu Mandal Resident of Village -
Bishanpur, P.S.- Dumara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Dumara P.S. Case No. 379 of 2022 registered for the offence
under Sections 414 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 14.03.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 2097 litres of IMFL/country made liquor
from alleged vehicle.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his implication only being owner of the alleged motorcycle. While concluding the argument, it has been submitted that petitioner found involved in four more criminal cases of similar nature, 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and as implication of this petitioner appears only being owner of the motorcycle, where he was not apprehended on spot coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Dumara P.S. Case No. 379 of 2022 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 Exclusive Special Excise Judge-I, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further



conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the 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 trial Court till conclusion of the trial and exemption from physical appearance be allowed by the 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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