

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45612 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Manoj Mandal @ Hadda Mandal @ Ratan Mandal S/O Late Anuplal Mandal
R/O Mohalla- Koraiya Tola, P.S- Katihar Town, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 16.05.2023 in connection with Katihar Town P.S. Case No. 69 of 2022, F.I.R. dated 13.02.2022 for the offences punishable under Sections 30(a)/37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of total 20 liters of country made Chulai liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has



been made from the house of the petitioner and petitioner was not present at the time of recovery. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not present at the time of recovery, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Exclusive Excise, Court No.II, Katihar in connection with Katihar Town P.S. Case No. 69 of 2022, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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