

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47587 of 2023

Arising Out of PS. Case No.-60 Year-2021 Thana- RATANPUR District- Supaul

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Ashok Kumar Mandal Son Of Ramjee Mandal Resident Of Village-
Gurdhariya Balua Bazar, Ward No 02, P.S. -BALUA, District -SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ratanpura P.S. Case No.60 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 23 drums of spirit have been recovered from the land belonging to one Sushil Mishra.

4. Learned counsel for the petitioner submits that recovery of alleged spirit in 23 drums have been made from a place which does not belong to the petitioner and it is the land of one Sushil Mishra. Learned counsel submits that the name of



the petitioner has transpired in the confessional statement of the co-accused Sintu at the behest of the uncle of the petitioner who is on inimical terms with the petitioner. It is stated that the petitioner has otherwise no criminal antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the recovery of alleged spirit in 23 drums have been made from a place which does not belong to the petitioner and it is the land of one Sushil Mishra but the name of the petitioner has transpired in the confessional statement of the co-accused Sintu at the behest of the uncle of the petitioner who is on inimical terms with the petitioner and the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Supaul in connection with Ratanpura P.S. Case No. 60 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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