

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49811 of 2023

Arising Out of PS. Case No.-411 Year-2023 Thana- KAHALGAON District- Bhagalpur

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ARUN KUMAR MANDAL SON OF GANGA MANDAL RESIDENT OF
VILLAGE - SRI RAM CHAUNKI BAZAR, P.S. - JIRWABARI, DISTRICT
- SAHEBGANJ (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Kahalgoan (Ghogha) P.S. Case No. 411 of 2013 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2022 lodged on 06.04.2023 by the informant, Chandradeep Kumar.

As per the prosecution story, upon secret information , a car parked in NH-80 was intercepted and recovered/seized 111 liters and 690 ML Indian made foreign liquor. Two persons were arrested which includes this petitioner. Accordingly, the FIR.

The contention of the learned counsel for the



petitioner is that the Car does not belong to him, was a passer-by has been implicated in this case. He is in custody since 07.04.2023 (as stated in paragraph-11 of the petition) and do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner, period of custody and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 411 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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