

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60439 of 2023

Arising Out of PS. Case No.-828 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Gaina Mandal @ Gena Lal Mandal Son Of Parmeshwar Mandal Resident Of
Village - Bhuwalpur, P.S. - Nathnagar, District - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a)/37 of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 13 litres of
country made liquor from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery. The
alleged place from recovery has been made was sold in the year
2004. The name of the petitioner has been disclosed in this case
by the local villagers before the police, which has got no
evidentiary value in the eye of law. Neither the petitioner was



arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 22.6.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, I/C, Bhagalpur in connection with Nathnagar P.S. Case No. 828 of 2022.

(Sunil Kumar Panwar, J)

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