

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55215 of 2023**

Arising Out of PS. Case No.-147 Year-2023 Thana- JAYNAGAR District- Madhubani

Ashok Mandal S/O Late Ganeshi Mandal R/O Village- Kuadh, Ps. Jaynagar,  
Dist. Madhubani (WRONGLY Mention Address Of The Petitioner In The  
FIR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      08-09-2023              Heard learned counsel for the petitioner and learned  
APP for the State.

02. In this case, the petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 147 of 2023, registered on 10.04.2023, for the offences under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

03. As per prosecution case, on the basis of secret information about storage of illicit liquor and its transportation, the police conducted a raid at an identified place. Three persons were seen at the spot and one of them was apprehended and others fled way during the raid. From the spot, recovery of 225 liters of *Nepali* country made liquor was made. The



apprehended co-accused disclosed the name of the petitioner, who fled away from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the alleged occurrence and nothing incriminating has been recovered from conscious possession of the petitioner or even from his house. The petitioner has been named merely on the basis of confessional statement of co-accused Pankaj Yadav, but the petitioner has nothing to do with co-accused or the motorcycle said to be recovered from the place of occurrence. Moreover, the recovery has been made from an open place and the petitioner could not be fastened with liability of the said recovery. The petitioner has got one criminal antecedent, in which, he is on bail.

05. Learned APP opposes the prayer for bail anticipatory submitting that the petitioner is having criminal antecedent and he is accused in another case of similar nature.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner whose name came up on the basis of confessional statement of co-accused, let the petitioner above



named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani/court concerned in connection with Jaynagar P.S. Case No. 147 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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