

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57695 of 2023

Arising Out of PS. Case No.-522 Year-2021 Thana- KANKARBAG District- Patna

PRAHLAD MANDAL @ KARA @ KARA MANDAL @ KARKA
MANDAL son of Shukkal muni @ Shukhal Mandal village- Patliputra Khel
Parishar Gate No-2, Ps- Kankarbagh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kant Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Kankarbagh P.S. Case No. 522 of 2021 for the offence under section 30 (a) of the Bihar Excise Act lodged on 07.06.2021 by the informant, Anil Kumar.

As per the prosecution story, the allegation is that the Police upon information went near Patliputra Khel Parishar and found an E-Rickshaw with wine from which 60 liters of 'Desi Chulai' recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that the E-Rickshaw from which recovery/seizure has been made does not belong to him, his hut is there near the Patliputra Khel Parishar and assuming that the liquor in the E-Rickshaw to be that of the



petitioner, his implication only because he is having criminal antecedent of the same nature and is in custody since 16.02.2023 (as stated in paragraph 8 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that the E-Rickshaw from which recovery has been made, does not belong to him, is in custody since 16.02.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, Patna, in connection with Kankarbagh P.S. Case No. 522 of 2021 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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