

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69471 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- KUDHNI District- Muzaffarpur

Shikandar Mandal @ Sikandar Mandal Son of Panchu Mandal @ Pachu Mandal Resident of Village - Ladaura, Ladaura Pakari, P.S.- Kudhani, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard Mr. Ayush Kumar, learned Counsel appearing on behalf of the petitioner and Mr. Kanhaiya Kishore, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Kudhani (Turki O.P.) P.S. Case No. 138 of 2022 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(A) of Bihar Prohibition and Excise Act, 2018.

3. The prosecution story, in brief, is that 20.700 liters of illicit foreign liquor has been recovered from bush near the canal.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is neither engaged in sell of liquor nor connected with the recovery of liquor. He further submits that petitioner has clean antecedent.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Having considered the rival submission made by the parties and materials on record, the liquor was recovered from bush near the canal and not from the house of the petitioner. Petitioner has clean antecedent. It appears that petitioner has made out a, *prima facie*, case to be released on pre-arrest bail.

7. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Judge, Excise-II, Muzaffarpur in connection with Kudhani (Turki.O.P) P.S. Case No. 138 of 2022, subject to the condition as laid down under Section 438(2) of the



Cr.P.C.

8. The present bail application, accordingly, stands
disposed of.

(Purnendu Singh, J)

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