

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69807 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Jitendra Kumar Mandal @ Jitendra Kumar, Son of Mahesh Mandal, R/O.-
Village- Shaliya Tola, Budhi Khar, P.S.- Jhajha, District- Jamui (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-11-2023 Heard Mr. Ranjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Udakishunganj P.S. Case No. 216 of 2023
registered for the offences punishable under Sections 30(a),
32(ii)(iii), 41(i)(ii) of the Bihar Prohibition and Excise
Amendment Act, 2022

3. The police in course of vehicle checking
intercepted two Hyva Trucks and apprehended the persons, who
were said to be drivers of both the vehicles. On search, total
5107.68 litres of Indian made foreign liquor were recovered
from both the trucks. The apprehended persons disclosed the



name of the petitioner, as the consignee of the illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the Hyva Trucks, in question, nor with the alleged recovered illicit liquor. Save and except the disclosure made by the apprehended drivers of the vehicles, there is no material suggesting the complicity of the petitioner. That apart, even during the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner. He next submits that there are other infirmities in search and seizure and the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the vehicles, in question, nor with the alleged recovered illicit liquor, coupled with his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be



released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Madhepura in connection with Udakishunganj P.S. Case No. 216 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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