

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72877 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- ISMAILPUR District- Bhagalpur

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MUKESH MANDAL SON OF KAPILDEO MANDAL RESIDENT OF
VILLAGE- CHOTI PARBATT, PS- ISMAILPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Ismailpur P.S. Case No. 110 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act lodged on 15.09.2023 by the informant, Shashi Bhushan Kumar.

3. As per the prosecution story, the police during patrolling on secret information raided the house of Mukesh Mandal and from a small hut outside the house, 164.100 liters Indian made foreign liquor recovered/seized.

4. It is the case of the petitioner that from a house which is not owned by the petitioner and is open to all, the alleged recovery has been made he do not have criminal



antecedent and is in custody since since 16.09.2023 (as state in paragraph-12 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also the period of custody and further he do not have criminal antecedent, that this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st Bhagalpur in connection with Ismailpur P.S. Case No. 110 of 2023, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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