

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77542 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- RUPAULI District- Purnia

Bisheshwar Mandal Son of Ramautar Mandal R/O Village- Laxmipur Nav
Tolia , P.S.- Rupauli (AKBARPUR), Dist-Purnea.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rupauli (Akbarpur) P.S. Case No. 234/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of total 60 liters country made liquor from Grocery shop of the petitioner and he apprehended on the spot. It is further alleged that the petitioner was indulged in the business of illegal liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the



conscious possession of the petitioner and he has nothing to do with the alleged occurrence. The petitioner is languishing in custody since 20.09.2023 and bears no criminal antecedent. He further submits that the petitioner was not concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Court No.2, Purnea in connection with Rupauli (Akbarpur) P.S. Case No. 234/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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