

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77284 of 2023

Arising Out of PS. Case No.-843 Year-2023 Thana- KAHALGAON District- Bhagalpur

SUBODH KUMAR MANDAL SON OF AJAY MANDAL RESIDENT OF
VILLAGE - DEVARI MAHESHPUR, POLICE STATION - KAHALGAON,
DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kahalgaon P.S. Case No. 843 of 2023 corresponding to Special Excise Case No. 3634 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 Amended Act, 2018.

3. As per prosecution case, petitioner was apprehended alongwith motorcycle in question and 2.805 litre illicit foreign liquor was recovered from the bag which was hanged in the handle of motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence



as alleged in the FIR and due to his previous criminal antecedent, petitioner has falsely been implicated in this case. He further submits that petitioner has no concern either with the seized motorcycle or liquor in question. No incriminating article has been recovered from conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Petitioner is in custody since 19.07.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Bhagalpur in connection with Kahalgaon P.S. Case No. 843 of 2023 corresponding to Special



Excise Case No. 3634 of 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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