

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.167 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- BAHERI District- Darbhanga

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Dinesh Mandal Son Of Jeewachh Mandal @ Jivachh Mandal Resident Of
Village - Lagopur, P.S.- Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad, Adv

For the Opposite Party/s : Mr.Shaheen Begum, App

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Baheri P.S. Case No. 226 of 2022 for the offence registered
under sections 30 (a) of the Bihar Prohibition & Excise Act
2016.

As per the prosecution story, the police during
patrolling duty received information that one Shobha Kumari is
involved in business of selling liquor. The police raided the
house of Shobha Kumari and 26.220 liters foreign liquor was
recovered/ seized. Accordingly, FIR lodged.

Learned counsel for the petitioner submits that
nothing has been recovered from the house of the petitioner nor
from conscious possession of the petitioner. The said recovery is



from the house of Shobha Kumari and she has stated that the petitioner had kept the seized liquor in her house.

Learned APP opposes the prayer for bail of the petitioner.

Considering the aforesaid facts as also that recovery is from the house of Shobha Kumari and the petitioner do not have criminal antecedent, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise court-II, & Sessions Judge, Darbhanga in connection with Baheri P.S. Case No. 226 of 2022. subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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