

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5891 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- ISMAILPUR District- Bhagalpur

1. Sanjeev Kumar @ Sanjeev Kumar Mandal, age-25 years, Male, S/O Raj Kishore Mandal, R/O- Dumariya, P.S. Gopalpur, Distt. Bhagalpur.
2. Tuntun Kumar @ Tuntun Mandal, age 31 years, Male, S/O Krishnadev Mandal @ K.D. Mandal @ Devo Mandal, R/O- Dumariya, P.S. Gopalpur, Distt. Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ismilepur P.S. Case No. 98 of 2023 dated 13.08.2023 registered for the offences punishable under Sections 32(1)(2), 38(1)(2), 41(1)(2)(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, a Scorpio in which one person was found, whose mouth and hands were tied, who disclosed that he is the owner of a Tempo and he alongwith the petitioners and others are engaged in trading of illicit liquor. His tempo was looted by the apprehended co-accused Dharmendra



Kumar and others.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is general and omnibus allegation against the petitioners. No incriminating article has been recovered from the possession of the petitioners. The petitioners have been made accused in the present case on the basis of the confessional statement of the co-accused, Rupesh Mandal. Except the confessional statement, there is no other substantive evidence to suggest the implication of the petitioners in the present case. It is further submitted that for the same occurrence, two separate case has been lodged by the informant and the petitioners have not been made accused in Ismilepur P.S. Case No. 97 of 2023. Thereafter, the present case has been lodged in which the petitioners have been made accused stating therein that they are associates of the co-accused Rupesh Mandal. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur, in connection with Ismilepur P.S. Case No. 98 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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