

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4566 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- BAHADURPUR District- Darbhanga

Bhopal Mandal @ Vivek Kumar Rai Son of Late Satto Mandal @ Satto Rai
@ Satto Ray Resident of Village - Pansiha, P.S. - Bahadurpur (PATOR O.P.),
District – Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bahadurpur (Pator O.P.) P.S. Case No. 498/2023 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. As per prosecution case, on the basis of secret
information regarding unloading the illicit liquor which belongs
to the co-accused Santosh Sahu and Ashok Sahu, the police
conducted raid and the petitioner apprehended on the spot
alongwith other. It is alleged that 151.170 liters foreign liquor
was recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 17.10.2023 and bears no criminal antecedent. He further submits that the petitioner is a daily wages earner who performed his duty. He was already standing to get his daily wages work and meanwhile, the police conducted raid and on the basis of suspicion, he apprehended on the spot. 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.

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 Court of Special Judge-I Excise Act, Darbhanga in connection with Bahadupur (Pator O.P.) P.S. Case No. 498/2023, 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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