

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18267 of 2024

Arising Out of PS. Case No.-165 Year-2022 Thana- BARBIGHA District- Sheikhpura

Raju Mandal Son of Kanhai Mandal @ Kanhaiya Mandal R/O Village-
Sriram Chowk Bazar, P.S.-Boriya Jirabari, District- Sahibganj (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barbigha (Keoti) P.S. Case No. 165 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 134.265 litre illicit foreign liquor was recovered from the car in question. Co-accused Sikandar Mandal is alleged to be driver of the said car and he was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation the name of the petitioner has been surfaced in this case. He further submits that petitioner is the owner of the said



car in question from where the alleged recovery has been made. He further submits that the alleged car in question is misused by the co-accused Sikandar Mandal who is alleged to be driver of the said car. Petitioner is not in any way connected with the alleged occurrence. Petitioner is in custody since 01.11.2023 and bears criminal antecedent of one case 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. Petitioner is quite innocent and has committed no offence alleged against him in F.I.R. and he has falsely been implicated in the present case. He further submits that co-accused Sikandar Mandal who is apprehended on the spot, has already been granted bail by this Court vide Cr. Misc. No. 39611 of 2022 and the case of present petitioner stands on better footing as he is neither apprehended on the spot nor named in F.I.R.

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, co-accused has already been granted bail, 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 Exclusive Special Excise Judge, Sheikhpura in connection with Excise Case No. 225 of 2022 arising out of Barbiga (Keoti) P.S. Case No. 165 of 2022, 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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