

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36740 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Sudhir Mandal @ Sudhir Kumar Mandal @ Sudhir Kumar @ Sudhir Kumar
Mahto Son of Late Umesh Mandal Resident of Village - Berail P.S. -
Hathauri, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 30(a), 32(3), 30(d) and 36 of Bihar Prohibition and Excise Act.

3. Altogether 92 empty bottles, 55.5 liters of foreign liquor, 95 strips of sticker of different English wine, 5 empty gallons, small lap of the particular brand 410 pieces, big caps, 120 pieces small caps of the different brands, 475 pieces big caps 450 pieces have been recovered from the spot and four persons were apprehended, who disclosed that the said articles have been supplied by the petitioner and other co-accused.

4. It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case merely on the confessional statement of the co-accused. The place of recovery does not belongs to the petitioner. Petitioner has two criminal antecedent of similar nature of offence, which is mentioned in the supplementary affidavit.

5. Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in



connection with Excise P.S. Case No.44 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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