

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40868 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- Laukahi District- Madhubani

Sanjay Mandal @ Sanjay Kumar Mandal @ Sanjay Kumar, Son of Ram
Sundar Mandal, Resident of Village - Kuriban, P.S. - Laukahi, District –
Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 11-06-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned counsel appearing on behalf

of the State.
2. The petitioner seeks bail in connection with

Laukahi P.S Case No. 278 of 2023 registered for the

offence under Sections 272/273 of Indian Penal Code

and Section 30(a) of Bihar Prohibition and Excise Act,

2016.
3. The accused/petitioner is named in the F.I.R.

and is in custody since 06.03.2024.
4. The allegation against the petitioner is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 108 litres of IMFL/country made liquor from the house of petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of the petitioner, which is occupied by different family members and, as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is further pointed out that seizure list is not supported by independent witnesses rather by police personnels. It is submitted that compliance of Section 100(4) of Cr.P.C. not appears to be followed in present case, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as



mentioned above as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.03.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Laukahi P.S. Case no. 278/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, District-Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the



petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

veena/suruchi-

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