

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47575 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- EKCHARI District- Bhagalpur

Sahankari Mandal @ Shankari Mandal, Son of Kanhay Mandal @ Kanhai Mandal, R/O Vill.- Rani Diyara, P.S.- Ekchari, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-09-2024 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Ekchari P.S. Case No. 68 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is of indulge in trade of illicit wine; the police conducted raid in the house of the petitioner, on search, total 70 liters of illicit country made chullai Mahua liquor was recovered. Noticing the police party, the petitioner succeeded in fleeing away.

4. Learned Advocate appearing on behalf of the petitioner contended that only on account of past criminal



antecedent, the name of the petitioner has been implicated in this case. Moreover, the alleged recovery which has been shown in the search and seizure, that has been made from the joint family house of the petitioner. Drawing the attention of this Court to the seizure list, learned Advocate for the petitioner further contended that had the recovery been made from the house of the petitioner there would have been signature of any of the family member or even the copy of the seizure list must be handed over to him, but the same has not been done and, as such, the infirmities are writ large. It is next contended that be that as it may, now the petitioner has been incarcerated since 19.04.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears five criminal antecedent of identical nature and, as such, he appears to be a habitual offender indulged in trafficking of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, moreover the criminal antecedent of the person cannot be the



sole ground to keep the petitioner behind the Bar for an indefinite period, let the petitioner, named above, 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 learned Exclusive Special Excise Judge-1, Bhagalpur in connection with Ekchari P.S. Case No. 68 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

