

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40711 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- BARSOI District- Katihar

Suraj Kumar Mandal, S/o Lakshman Mandal, Resident of Village
Raghunathpur, Ward No 3, P.S. -Barsoi, District-Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
Md. Musowir, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Barsoi P.S. Case No.72 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The accused/petitioner named in the FIR and is
in custody since 28.03.2024.

4. Allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor,
where there is recovery of 41 liters of Indian made foreign
illicit liquor from tempo.

5. It is submitted by learned counsel for the



petitioner that alleged recovery of illicit liquor appears to be made from a tempo, which is a public carrier and implication of this petitioner appears to be made only for the reason that he is the driver of alleged tempo. It is submitted that as vehicle in issue is a public carrier, it cannot be said that the alleged recovery of illicit liquor was made from conscious physical possession of the petitioner. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances of the case, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. Exclusive, Special Judge, Excise Court No.2, Katihar in connection with Barsoi P.S. Case No.72 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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