

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53487 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- LADANIA District- Madhubani

Dinesh Mandal, S/o Ram Lochan Mandal, R/o Village- Jatiyahi, P.S.- Kewati
Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 27-09-2024 Heard Mr. Ratnakar Jha, learned counsel for the

Petitioner and Mr. Binod Kumar No.3, learned APP for the

State.

2. The petitioner apprehends his arrest in connection with Ladaniya P.S. Case No. 15 of 2023 dated 13.01.2023 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel appearing for the petitioner submits that though the instant matter relates to the recovery of 78 litres of country-made Nepali liquor and the same is said to have been recovered from the possession of the co-accused persons and a motorcycle was also found in the possession of the co-accused with alleged liquor at the time of recovery. No



doubt, the petitioner is the registered owner of the said recovered motorcycle but the petitioner's motorcycle had been stolen much earlier from the date recovery of the alleged liquor and in this regard, he filed an application at Keoti police station and in this regard, Annexure P-2 is relevant. Learned counsel further submits that the apprehended co-accused persons did not reveal the name of this petitioner as being involved in the transportation and smuggling of the alleged liquor and during investigation up till now no witness has revealed any kind of direct or indirect involvement of the petitioner in smuggling of the alleged liquor and these facts clearly show that the petitioner was not involved in the alleged offence and there is sufficient material to form the opinion to indicate that the alleged offence of Excise Act under which the FIR has been registered, does not attract against this petitioner even prima facie.

4. Though learned APP for the State has opposed the prayer for bail of the petitioner with saying that the petitioner was found as the registered owner of the alleged motorcycle but he has not pointed out any evidence in the case diary to show the petitioner's involvement with the apprehended co-accused persons in transporting the alleged liquor.

5. Considering the above submissions as well as



petitioner’s fair and clean antecedent and his above defence as to his motorcycle having been stolen much prior to the date of recovery of the alleged liquor, this Court is inclined to accept his prayer for bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ladaniya P.S. Case No. 15 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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