

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61895 of 2024

Arising Out of PS. Case No.-120 Year-2021 Thana- CHANAN District- Lakhisarai

Kundan Mandal Son of Gajju Mandal Resident of Village- Gopalpur Gumti
Tola, Gajiya Gadhi Musahari, P.S.-Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 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

Chanan P.S. Case No. 120 of 2021 registered for the

offence under Sections 272, 273 and 34 of the Indian Penal

Code and Section 30(a)(b)(c) of the Bihar Prohibition and

Excise Act, 2018.

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

and is in custody since 06.07.2024.

4. The allegation against the petitioner is to be

engaged in illegal trade of illicit liquor, where, there is



recovery of 110 litres of illicit country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure of local '*chaukidar*'. It has further been submitted that recovery has been made from open place, as such, it cannot be said safely that the alleged recovery was not made from the conscious physical possession of the petitioner. It is also submitted that petitioner found involved in three more criminal cases, where he is on bail in all three cases.

6. Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from open place near 'Gaddi Mushahari'.

7. Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor, *prima facie* not appears to be made from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Chanan P.S. Case No. 120 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge Excise, Court No.1, Lakhisarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C./Section 480(3) of BNSS with further conditions:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the 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 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.

(iii) That one of the bailors shall
be Pramod Kumar, who is the brother-in-
law of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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