

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68880 of 2024

Arising Out of PS. Case No.-20 Year-2017 Thana- BAUNSI District- Banka

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Santosh Kumar Mandal @ Santosh Mandal Son of Dhanraj Mandal
Permanent Resident of Mohalla-Central Coloney, Dhauri, P.S.- Chandrapura,
District- Bokaro State -Jharkhand, R/O- Vilalge- Purandhaha, P.S.-
Purandhaha, Distt.- Deoghar, State- Jharkhand. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The petitioner apprehends his arrest in Baunsi P.S. Case No.
20 of 2017 registered for the offences punishable under Sections
272, 273 and 120B of the Indian Penal Code and Section 30 (a)
of the Bihar Prohibition and Excise Act, pending in the Court of
learned Additional Sessions Judge-II, Banka.

3. Huge quantity of hooch has been recovered from different
vehicles and one apprehended co-accused disclosed the name
of the petitioner as one of his accomplice.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case merely on the confessional statement of
apprehended person which has no evidentiary value in the eye
of law. The petitioner is neither owner nor driver of the seized



vehicles and no concern with the aforesaid occurrence. There is violation of Section 100 Cr.P.C. Petitioner has one criminal antecedent of similar nature of the offence.

5. Learned APP for the State vehemently opposing the bail petition submitted that the case is of the year 2017 and petitioner has moved before this Court in the year 2024. He further submitted that petitioner bears one criminal antecedent of similar nature of the offence, hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case and the criminal antecedent which is of similar nature, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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