

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73853 of 2024

Arising Out of PS. Case No.-437 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Sajan Mandal @ Sajjan Mandal S/O Late Panchu Mandal Resident of Village-
Chichrikanungoe, P.S.-Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate
For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024 Heard Mr. Kumar Praveen, learned counsel for the

petitioner and the State.

2. The petitioner is in custody in connection with
Darbhanga Sadar P.S. Case No. 437 of 2021 for the offence
punishable under section 30(a) of the Bihar Prohibition and
Excise Act lodged on 13.10.2021 by the informant, Pawan
Paswan.

3. As per the prosecution story, the informant alleged
that upon information, a magic van was intercepted and 393
liters of Nepali liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
do not have any criminal antecedent, was not at the place of
occurrence and only because he owns the Magic Van,



implicated. The fact remains that he had already sold the vehicle to one Ashok Kumar but since, the transfer of the vehicle was not done by the buyer, he got implicated and is in custody since 13.08.2024 (paragraph-12 of the petition).

5. Learned APP opposes the prayer for bail submitting that being the owner of the van he cannot shrug off his responsibility

6. Taking into account the submissions put forwarded by the parties as also that he do not have any criminal antecedent, is in custody since 13.08.2024 and as submitted, the vehicle was sold to one Ashok Kumar prior to the incident, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge-I (Excise Act), Darbhanga, in connection with Darbhanga Sadar P.S. Case No. 437 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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