

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76053 of 2024

Arising Out of PS. Case No.-45 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

Niwas Mandal @ Nivas Mandal Son of Hira Lal Mandal Resident of Village -
Chhoti Parbatta, P.S. - Ismailpur, District - Bhagalpur (Bihar) (Owner of the
vehicle)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioner and Mr.
Ramchandra Sahni, learned APP for the State.

2. The instant application for anticipatory bail has been filed
by the petitioner apprehending his arrest in connection with
Excise P.S. Case no. 45 of 2021 instituted for the offence under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

3. The case of the prosecution is that on a tempo altogether
87.750 liter of foreign made liquor was recovered. The driver of
the tempo managed to escape and the petitioner is the owner of
the said alleged tempo.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. He has falsely been implicated in this case. It has also been submitted by the learned counsel for the petitioner that the petitioner has got no knowledge or concern about the seized liquor. Petitioner is having no criminal antecedent.

5. In contra, learned APP appearing for the State opposes the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Excise P.S. Case No. 45 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.V.-Cum-Special Judge Exclusive Excise Court No. 2, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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