

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82065 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- Excise P.S. District- Madhubani

Kapildeo Mandal @ Kapildeo Kumar Mandal Son of Late Sukhal Mandal @
Sukhlal Mandal R/O-Village- Shiva, PS- Andrathardhi, Distt.- Madhubani

... .. 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. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.O.
No. 2318 of 2024, arising out of Excise P.S. Sadar Case No. 254
of 2024, instituted for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, total 1458
liters liquor was recovered from three cars out of which 450
liters liquor was recovered from the car of the petitioner. The
petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the petitioner is not owner, rather he is the driver of the car and he has got no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 13.09.2024 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.O. No. 2318 of 2024, arising out of Excise P.S. Sadar Case No. 254 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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