

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82077 of 2024

Arising Out of PS. Case No.-604 Year-2024 Thana- FORBESGANJ District- Araria

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Babloo Mandal Son of Late Rupchand Mandal @ Vidyanand Mandal
Resident of Village - Bhag Kohaliya, Ward No. 04, P.S. - Forbisganj, District -
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mr. Gopal Kumar Jha, learned Counsel for

the petitioner and the State.

2. The petitioner is in custody in connection with

Forbisganj P.S. Case No. 604 of 2024 for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act

lodged on 29.09.2024 by the informant.

3. As per the prosecution story, the informant alleged

that upon secret information, raided the house of the petitioner

and there is recovery/seizure of 140 litres country made liquor

near the garden in front of his shop and also near the hand

pump. This led to the FIR/arrest of the petitioner.

4. Learned counsel for the petitioner submits that

nothing has been recovered from his conscious possession

rather it was found from an open place which cannot be attributed to him, he is in custody since 19.10.2024 (paragraph no.-4 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that it has been seized in front of his house.

6. Taking into account the submissions made by the parties as also the fact that the same has been recovered from an open place, FIR lodged, he will be facing the trial and the petitioner do not have criminal antecedent, 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)s with two sureties of like amount each to the satisfaction of learned Exclusive Spl Judge Excise-1st, Araria in connection with Forbisganj P.S. Case No. 604 of 2024 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.)

Jyoti Kumari/-

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