

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84744 of 2023

Arising Out of PS. Case No.-774 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Rajesh Kumar Mandal SON OF AMBIKA PRASAD MANDAL R/O
VILLAGE- OFFICERS COLONY MIRCHAIWARI, P.S.- SAHAYAK,
DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 468, 34 of the Indian Penal Code and Section 30(a), of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 66 liters West Bengal made liquor from a vehicle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is owner of the alleged vehicle due to which he has falsely been implicated in this present case. The petitioner has no concern with the alleged



recovery. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100(4) of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 21.10.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Katihar Nagar Sahayak P.S. Case No. 774 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Exclusive Special Excise Court-II, Katihar.

(Sunil Kumar Panwar, J)

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