

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84457 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- BAHADURPUR District- Darbhanga

Anish Kumar Son of Lalit Kumar Mandal Resident of Village- Pandasarai,
P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 466 of 2023 registered for the offences punishable under Sections 30(a), 32(i), 32(ii), 41 and 47 of the Bihar Prohibition and Excise(Amendment) Act, 2018.

As per prosecution case, 1105.92 litres foreign liquor was recovered from truck in question and four co-accused persons were apprehended on spot. It is further alleged that co-accused Akshay Chauhan and Mahesh Rai disclosed the name of the petitioner stating that he was also involved in the business of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner is not named in the FIR. The name of the present petitioner has surfaced in the present case during course of investigation, upon confessional statement of co-accused Akshay Chauhan and Mahesh Rai. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner was not apprehended on spot. Petitioner is neither owner, nor driver of the seized truck in question. It is further submitted that petitioner has no knowledge about the alleged recovery. Seizure list has not been made as per law. Petitioner is in custody since 15.10.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner was not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released 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 Exclusive Special Judge-1, (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 466 of 2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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