

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84682 of 2024

Arising Out of PS. Case No.-406 Year-2024 Thana- PHULPARAS District- Madhubani

Prashant Kumar Mandal S/O Pawan Mandal @ Pavan Kumar Mandal R/o
Village- Belha, P.S - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Phulparas P.S. Case No. 406 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 30.09.2024 by the informant, Samsheer Ali Khan.

3. As per the prosecution story, the informant alleged that the police upon information raided the straw house and recovered/seized 72 liter Nepali country made liquor. This led to the FIR.

4. It is the case of the petitioner that the recovery is from a straw house accessible to everyone, nothing has been recovered from his conscious possession and only because of criminal antecedent, got implicated. The last submission is that without accepting the allegation and/or the outcome of the



present case, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority for the installation of the Steel Benches/beautification in the Court of learned A.D.J., Jhanjharpur, Madhubani through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Taking into account the aforesaid facts/submission of the parties as also that recovery is from a straw house, not from his conscious possession, he is in custody since 24.10.2024, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- by the petitioner for the installation of the Steel Benches/beautification in the Court of learned A.D.J., Jhanjharpur, Madhubani through Demand Draft issued by the local branch of the State Bank of India and the receipts have to be submitted to the learned Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 406 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 one year 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)

Vijay Singh/-

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