

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1082 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- SIKTI District- Araria

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Santosh Kumar Mandal S/O- Late Rajendra Mandal R/O- Village-
Kankhudiya, Ward No.- 3 P.S.- Palasi, Dist.- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sikti
P.S. Case No. 268 of 2023 instituted for the offences under
Section 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
1.200 liter Nepali liquor from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to village politics. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner rather the same has been recovered from the house of Dipendra Das Gupta. The petitioner has no concern with the seized article. The petitioner has two criminal antecedents of the similar nature of offence as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 15.10.2023.

5. Learned counsel for the petitioner again submits that the co-accused Dilip Kumar Mandal has been granted bail by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 11865 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the claim of parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with



Sikti P.S. Case No. 268 of 2023.

(Rudra Prakash Mishra, J)

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