

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86595 of 2023

Arising Out of PS. Case No.-613 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Bhola Mandal S/O Ram Prasad Mandal @ Fakir Mandal Village- Telhan,
Bhuiya Asthan, Ps. Sadar (Bhalpatti O.P) Dist. Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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

ORAL ORDER

- 3 05-03-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.
2. The petitioner seeks bail in connection with Sadar
(Bhalpatti O.P) P.S. Case No. 613 of 2023 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.
3. The prosecution case, in short, is that total 435 litres
of liquor was recovered from three different vehicles.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is neither the owner nor the driver of the vehicle.



The name of the petitioner has transpired in this case on the disclosure of co-accused Sanjay Mandal who has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2024 passed in Cr. Misc. No. 83413 of 2023. Charge-sheet has been submitted in this case. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 16.11.2023 and has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Sadar (Bhalpatti O.P) P.S. Case No. 613 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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