

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53283 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- Excise P.S. District- Bhagalpur

Bijay Kumar Mandal S/o- Shri Lal Mandal, R/o Village- Babupur, Ward
No.01, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing on behalf of the

State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case in brief is that 112.950 liters
of illicit foreign liquor was recovered from an Auto of which the
petitioner is alleged to be the driver.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The seized vehicle in question is owned by someone
else and not by the petitioner. He further submits that in similar
circumstances the co-accused namely, Munna Kumar has already
been granted bail by a co-ordinate Bench of this Court *vide* order



dated 07.08.2025 passed in Cr. Misc. No. 52321 of 2025 and on the ground of parity, he also prays for grant of bail. Learned counsel next submits that the petitioner carries two criminal antecedents of similar nature and in both the cases he is on bail as mentioned in the paragraph no. 3 of the bail application. Learned counsel lastly submits that the petitioner is in custody since 29.05.2025.

5. Learned Additional Public Prosecutor for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the submissions made on behalf of the parties and also taking into account the fact that a similarly situated co-accused has already been granted bail by a co-ordinate Bench of this Court *vide* order dated 07.08.2025 passed in Cr. Misc. No. 52321 of 2025, coupled with petitioner's period of custody, this Court is inclined to enlarge the petitioner on bail. Accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending / successor Court, in connection with **Excise (Sadar) P.S. Case No. 155 of 2025**, subject to the following conditions:

(i) One of the bailors of the petitioner shall be his



close relative.

(ii) The petitioner shall remain physically present in the Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in name of verification.

7. Accordingly, the prayer for bail stands allowed.

(Alok Kumar Sinha, J)

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