

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15392 of 2017

Arising Out of PS.Case No. -116 Year- 2016 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Nawal Manjhi son of Late Arjun Manjhi
2. Mahendra Manjhi son of Ramswaroop Manjhi both are resident of
village-Rajapur Mushari Tola, P.S. Kotwa, District-East Champaran
..... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-04-2017 Heard the parties.

This is an application for bail in connection with Kotwa
P.S. Case No. 116 of 2016 registered for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and Section
47(a), (e), (f), 51, 53(C) and 54 of the Bihar Excise (Amendment)
Act, 2016.

Allegation against the petitioners is recovery of 105
litres of country made liquor and also the articles for
manufacturing the liquor.

It has been submitted on behalf of the petitioners that
so far petitioner no. 1 is concerned, his name transpired in the case
only because of the fact that one identity card was recovered from
the place of occurrence. So far petitioner no. 2 is concerned, now
he has been punished and remained in custody for about five
months and they undertake to abide by the conditions imposed on
them if they are granted bail.



Heard learned APP also.

In view of the facts stated above and as the petitioners have no criminal antecedent, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-X, Motihari, East Champaran in connection with Kotwa P.S. Case No. 116 of 2016 subject to the conditions that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court;
- (ii) The petitioners will not include any witness or tamper with the evidence;
- (iii) The petitioners shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail; and
- (iv) If their complicity is found in similar type of case in future, their bail shall be cancelled.

This application is allowed accordingly.

S.Sb/-

(Vinod Kumar Sinha, J)

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