

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1823 of 2019

Arising Out of PS. Case No.-559 Year-2018 Thana- DIGHA District- Patna

1. Dharmendra Manjhi, son of Rameshwar Manjhi
2. Barhiya Devi, wife of Dharmendra Manjhi, both residents of village
Udantola, P.S. Digha, district Patna ... Petitioners

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Rina Sinha, Adv.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, APP 109

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioners and
the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 02.11.2018 in connection with Spl. Case No. 10503 of 2018 arising out of Digha P.S. Case No. 559 of 2018 for the offence alleged under Sections 414 of the Indian Penal Code and 30(A), 37((b) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during duty she received a secret information that some persons, in the said locality, are selling wine Accordingly, a raid was conducted and many persons were caught, including the petitioners. From the possession of the petitioners gallons of 15 liters each of mahua wine was recovered. Accordingly, seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and nothing has been recovered from their conscious



possession. It has further been submitted that the petitioners undertake to cooperate in investigation, not to tamper with the prosecution witnesses, at any stage, whatsoever, and the allegations are false as they were forced to sign on blank papers.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Spl. Case No. 10503 of 2018 arising out of Digha P.S. Case No. 559 of 2018 to the satisfaction of Sri R.C. Malviye, learned Special Judge, Excise, Patna, subject to the condition that if the petitioners indulge in any offence of similar nature the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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