

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26190 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- NAUTAN District- Siwan

GULBADAN MANJHI, aged about 22 years, Male, Son of late Kamani
Manjhi Resident of Village - Gambhirpur, P.S.- Nautan, Distt – Siwan
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Kant, Adv.
For the Opposite Party : Mr. Shaheen Begum, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
27.03.2019 in connection with Nautan P.S. Case No. 77 of 2018
for the offences alleged under Sections 272, 273 and 308/34 of
the Indian Penal Code and under Sections 30(A), 38(A) and
41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on information that the petitioner along with
others are trading in illicit liquor in the orchard of one Khedan
Sah and Rati Nath Sharma, the police conducted a raid and four
persons managed to flee away. On search, in the orchard 135
liters of country made liquor was recovered. Accordingly, a
seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case on account of
village rivalry. He submits that the petitioner has been made



accused only on suspicion, nothing has been recovered from his conscious possession neither from orchard of the petitioner.

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

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application coupled with the fact that nothing was recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Nautan P.S. Case No. 77 of 2018 to the satisfaction of the learned Additional District Judge, II, Siwan, or the successor Court, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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