

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73010 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

DHARMENDRA MANJHI S/O Rameshwar Manjhi R/O Village Havasa, PS
Ashok Paper Mill, District- Darbhanga ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Chandra Kant, Advocate
For the Opposite Party : Mr.Veena Rani Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under sections 30a and 32(2) of the Bihar Prohibition and Excise Act.

20 liters of country made liquor was recovered from the motorcycle of the petitioner.

Learned counsel for the petitioner submits that the country made liquor was recovered from a bag given to the petitioner by some one and not from his conscious possession. Petitioner has got no criminal antecedent and there is no allegation that he ever tampered the evidence. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure. Petitioner is in custody since 26.8.2019.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise, Darbhanga in GO Case no. 858/2019, Ashok Paper Mill Police Station Case No. 118/2019, on the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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