

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74752 of 2019**

Arising Out of PS. Case No.-420 Year-2019 Thana- ATRI District- Gaya

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Arun Manjhi aged about 45 years (Male) son of Sahdev Manjhi Resident of
Village- Jethiyan Tarwana, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

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

The petitioner seeks bail in Atri P.S. Case No. 420 of 2019, registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a)(d) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 30 liters of Mahua liquor, one aluminium pot of 50 liter capacity, some equipment for preparation of liquor and 1200 Jawa Mahua are said to have recovered from Lal Mati forest beside Jethian-Rajgir road (Gaya) and petitioner alongwith one co-accused has been arrested on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Recovery has been effected from a public place and petitioner has no concern with the seized articles. He further submits that Section



100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 21-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Atri P.S. Case No. 420 of 2019, on the following conditions:

(1) Petitioner shall cooperate 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 on 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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