

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82162 of 2019**

Arising Out of PS. Case No.-180 Year-2019 Thana- GOPALPUR District- Gopalganj

Rajesh Manjhi, aged about 37 years (Male), Son of Heeralal Manjhi, Resident of Village- Mahicha, P.O. and P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate

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

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

2. 11-12-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Gopalpur P.S. Case No. 180 of 2019 registered for the offence under Sections 272, 273, 420 of the Indian Penal Code and Sections 30(a)/35/38 of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 336.420 liters of foreign liquor from a Bolero and it is alleged that aforesaid liquor belongs to petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. It is further submitted that petitioner's name has come on the basis of confessional statement of driver of the vehicle, who was arrested on the spot, and save & except this, there is nothing against the petitioner. Neither the petitioner is owner of the Bolero nor of seized liquor. Also, Section 100 of the 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.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of arrest or surrender within a period of six weeks from today, 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 Additional District & Sessions Judge-II, Gopalganj -cum- Excise Court, Gopalganj in connection with Gopalpur P.S. Case No. 180 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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