

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26897 of 2020**

Arising Out of PS. Case No.-517 Year-2019 Thana- PARSABAZAR District- Patna

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TILAK MANJHI Son of Mahadeo Manjhi Resident of Village - Jhainchak,
P.S.- Parsa Bazar, District - Patna, Bihar- 804453.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amritesh Priyadarshi, Advocate

For the Opposite Party/s : Mr. Zainullabedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2020 Learned counsel for the petitioner undertakes to remove all the defects within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Zainullabedin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Parsa Bazar P.S. Case No. 517 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that in the FIR itself it is very clear that recovery has been made from one eucalyptus orchard which does not belong to this petitioner. It is further submitted that there is no independent witness to the alleged seizure and only it has been vaguely recorded in the FIR that the persons who assembled there disclosed the name of the co-accused



and the petitioner though in the same FIR it is stated that none of the persons became ready to be a witness on the seizure list.

Learned counsel for the petitioner submits that the co-accused Dukhan Manjhi and Arjun Manjhi have been granted privilege of anticipatory bail by learned court below and the petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, there being no prima-facie material at this stage to connect the petitioner, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Parsa Bazar P.S. Case No. 517 of 2019, Spl. Case No. 11512 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

