

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27360 of 2020

Arising Out of PS. Case No.-217 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Rajesh Manjhi, S/o Ram Ekbal Manjhi, Resident of Village- Fulwaria, P.S.-
Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Smt. Meena Singh, learned APP is appearing for the State as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Chapra



Muffasil P.S. Case No.217 of 2020 registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code read with Sections 30(a), 36, 37, 38, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The alleged recovery of 30 litres country-made liquor has led to petitioner's custody since 25.05.2020.

It is submitted that the petitioner has been implicated merely for his criminal antecedents. Recovery is denied and disputed. It is further submitted that recovery is not from his possession and there is no forensic examination to sustain the allegation that the recovery is of an intoxicant.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 learned 2nd Additional Sessions Judge cum Special Judge, Excise, Saran at Chapra, in connection with Chapra (M) P.S. Case No.217 of 2020, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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