

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30360 of 2020

Arising Out of PS. Case No.-252 Year-2020 Thana- MASHRAK District- Saran

Ajay Manjhi, S/o Sadhu Manjhi, Resident of Village-Padmaul, P.S-Mashrakh,
District-Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-11-2020 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.

Mrs. 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.

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

The petitioner seeks bail in connection with Mashrakh P.S. Case No.252 of 2020 registered for the offence punishable



under Sections 272, 273 of the Indian Penal Code and Sections 30/30(a), 38, 41 of the Bihar Prohibition and Excise Act.

The informant has communicated to the Officer-in-Charge of Mashrakh P.S. that the petitioner and one co-accused Vijay Manjhi were selling illicit country-made wine and the said information has led to recovery of 60 litres of spirit/wine.

It is submitted by the petitioner's counsel that on the statement of the informant, the petitioner has been implicated in this case, though he was not present at the spot at the time of recovery. He is having no criminal antecedents and there is no recovery from his possession of any intoxicant. The petitioner is in custody since 15.07.2020 and there is no forensic report that the recovered substance is actually 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



Mashrakh P.S. Case No.252 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)

PNM

U		T	
---	--	---	--

