

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18052 of 2021**

Arising Out of PS. Case No.-175 Year-2017 Thana- ATRI District- Gaya

Sita Manjhi S/O Late Chando Manjhi R/o village- Jethiyan Side Par, P.S.-
Atri, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Atri P.S. Case no. 175/2017 registered for the offences punishable under Section 272/273 of the Indian Penal Code and Section 30(a)(d) of Bihar Prohibition & Excise Act, 2016.

As per the prosecution story, while the informant got secret information that in the jungle of Jethiya Illicit liquor is preparing and selling the same, on this information he reached there and on seeing the policy party some persons fled away in jungle. On search, two liters of liquor was found in the bottle of



sprite and utensils of preparation of liquor and 125 kgs. Of fermented Mahua was found and seized.

Learned counsel for the petitioner submits that petitioner was neither present at the place of occurrence nor he was apprehended by the police, his name was disclosed by the local Chowkidar. Learned counsel submits that petitioner has been falsely implicated in this case, however he is in jail in connection with this case since 29.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that the alleged two liters of Mahua wine and utensils were recovered from the forest area and nobody has identified the petitioner fleeing away from the said place, petitioner has got two criminal antecedents of similar nature whereas five other cases on his head but in all those cases he is on bail, in the present case he is in custody since 29.08.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) 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.



175/2017, subject to the condition as laid down under Section 437

(3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

