

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24190 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SIRDALA District- Nawada

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1. KULESHWAR MANJHI S/o Bhola Manjhi Resident of Village- Pandeydih, P.S.- Sirdalla, District- Nawada.
 2. Sethi Rajbanshi S/o Vishun Rajbanshi Resident of Village- Pandeydih, P.S.- Sirdalla, District- Nawada.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate.

For the State : Mr. Sanjay Kumar Tiwary-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 26.03.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Kuleshwar Manjhi, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Kuleshwar Manjhi, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Kuleshwar Manjhi.



Permission is accorded.

This application in respect of the petitioner no.1, namely, Kuleshwar Manjhi, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Sethi Rajbanshi, to grant him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Sethi Rajbanshi, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Sethi Rajbanshi, apprehends his arrest in connection with Sirdalla P.S. Case No.225 of 2020 registered under Sections 30(a) (d) and 41 of the Bihar Prohibition and Excise Act.

The accusation is that on receiving the secret information about preparing the liquor in Pandeydih Forest and in a bush, the informant along with other police personnel reached there. On seeing the police party, five persons started to flee away. While on chase, one person was apprehended but the four others succeeded to flee away, taking the advantage of bush in the forest. The apprehended person disclosed his name as Jagdish Manjhi and he also disclosed the name of four persons, who succeeded to flee away, as Kuleshwar Manjhi, Santosh Manjhi, Sethi Rajbanshi (petitioner no.2) and Gaurishankar Manjhi. On search, 2000 liters fermented Jawa, earthen furnace, and other materials meant for preparing the



liquor were recovered. 60 liters Mahua wine was also recovered from there.

Learned counsel for the petitioner no.2, namely, Sethi Rajbanshi, submits that the petitioner no.2, namely, Sethi Rajbanshi, was not apprehended on the spot and he has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Sethi Rajbanshi, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge (Excise), Nawada, in connection with Sirdalla P.S. Case No.225 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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