

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33855 of 2020

Arising Out of PS Case No.-609 Year-2020 Thana- MARHOWRAH District- Saran

1. Amawas Manjhi, aged about 40 years, Male, Son of Late Megha Manjhi.
2. Arun Manjhi @ Arun Kumar Manjhi, aged about 25 years, Male Son of Rajendra Manjhi.
Both are residents of Village- Semrahiyan, PS- Marhowrah, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashisth Narayan Mishra, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2021

Heard Mr. Bashisth Narayan Mishra, learned counsel for the petitioners and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Marhowrah PS Case No. 609 of 2020 dated 08.07.2020, instituted under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation as per the FIR is that the police received secret information that co-accused Arun Rai, Ranjeet Rai and Shailendra Rai have got illicit liquor for trade and upon raid near a pond, 135 litres of countrymade wine was recovered and



many people fled away in which the petitioners have also been named.

4. Learned counsel for the petitioners submitted that as per the FIR itself, the recovered wine did not belong to them and the only allegation is that six persons had fled away including the petitioners but without there being any allegation that the recovered liquor belonged to them. It was submitted that the petitioners have no criminal antecedent and co-accused Arun Kumar Yadav @ Arun Kumar Rai @ Arun Rai and Sikandar Nut @ Sikendra Nut @ Ledaha have been granted anticipatory bail by co-ordinate Benches by order dated 05.03.2021 in Cr. Misc. No. 31067 of 2020 and order dated 23.12.2020 in Cr. Misc. No. 31369 of 2020, respectively, and Shailendra Rai has been granted regular bail by a co-ordinate Bench by order dated 02.12.2020 in Cr. Misc. No. 31252 of 2020. It was submitted that there is no recovery from the house of the petitioners of any liquor.

5. Learned APP submitted that the petitioners were among the persons who had run away from the spot where countrymade liquor was recovered and, thus, they are also guilty. However, it was not controverted that in the FIR itself it has been stated that the information received by the police was that the wine was kept by three other named co-accused and the only



allegation against the petitioners is that they were also among the persons who had fled away.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Chapra, District-Saran in Marhowrah PS Case No. 609 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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