

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40167 of 2020

Arising Out of PS. Case No.-178 Year-2020 Thana- JAMOBABAZAR District- Siwan

1. Santosh Manjhi, Son Of Babulal Manjhi Resident Of Village- Dumra,P.S.- Jamo Bazar, Distt- Siwan.
2. Surendra Rai, Son Of Manejer Rai Resident Of Village - Dumra, P.S. - Jamo Bazar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary- Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-06-2021 Heard Mr. Ajay Kumar Tiwary, the learned Advocate
for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Jamo Bazar P. S. Case No.178 of 2020, instituted for the offences under Sections 272, 273, 308 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

20 litres of locally brewed liquor is said to have been recovered from the out-house belonging to the petitioners.

The only ground taken by the learned counsel for the petitioners is that the place from where the recovery has been made does not belong to the petitioners.



This Court cautioned the learned counsel for the petitioners that in the event of such information being found incorrect, the petitioners may have to undergo separate prosecution for making a false statement.

On confirmation of the fact that the place of recovery does not belong to the petitioners, the learned counsel for the petitioners has submitted that whatever has been stated in the bail petition regarding this, is correct.

Considering the afore-stated facts, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Jamo Bazar P. S. Case No.178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Before passing the order of bail, the Court below shall have it confirmed from the Investigating Officer of the case or possibly from the Panchayat functionaries that the place of recovery does not belong to the petitioners. In case the information is found to be correct, the petitioners shall be given



the privilege of bail or else, this order shall not be given effect to and the matter shall be reported to this Court for any further sequel action.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

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

