

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3472 of 2021**

Arising Out of PS. Case No.-66 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAKESH MANJHI Son Of Shri Raj Kumar Manjhi Resident Of Village -
Lakhanpar Lodipur, P.S. - Punpun, District – Patna at present resident of
village-Shri Rampur Musahari, P.S. -Bihta, District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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

2 09-04-2021 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 Mr. Kalyan
Shankar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with P.R. Bihta P.S. Case No. 66 of 2020 corresponding
to Special Case No. 4738 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner is alleged to have been arrested from a hut situated at canal
from where 40 litres of illicit liquor has been recovered.

Learned counsel submits that the petitioner is innocent



and has falsely been implicated in this case. It is submitted that the alleged hut does not belong to the petitioner. The petitioner is in custody since 13.08.2020 having no criminal antecedent.

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 as per allegations 40 litres of illicit liquor has been recovered from a hut situated near a canal, the submission is that the hut does not belong to the petitioner and the same is situated at a lonely place, the petitioner has no criminal antecedent and remained in jail since 13.08.2020 in connection with the present case, investigation against him is complete and there is no submission of the State that release of the petitioner at this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released 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, Patna in connection with P.R. Bihta P.S. Case No. 66 of 2020 corresponding to Special Case No. 4738 of 2020, 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)

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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'.

