

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57045 of 2021

Arising Out of PS. Case No.-345 Year-2021 Thana- NAWADA District- Nawada

Tinku Manjhi, Son Of Late Bundi Manjhi Resident Of Village- Gandhi
Ashram, Police Stastion- Nawada (Nagar), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Ms. Pushpa Sinha-1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2021 The present case has been taken out of turn on mentioning made by Sri Man Mohan Kumar, learned advocate on the ground that the mother of this petitioner died on 13.12.2021. Based on the mentioning, the case is being taken out of turn.

The learned counsel for the petitioner has filed supplementary affidavit bringing on record the certificate issued by the Mukhiya of Gram Panchayat, Bhadauni, District- Nawada, Bihar.

Heard the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Nawada (Nagar) P. S. Case No.345 of 2021, instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act,



2018.

The learned counsel for the petitioner submits that the petitioner is in custody since 18.06.2021 and charge-sheet has been submitted in this case.

Allegation is of recovery of 135 litre of liquor out of which 46.5 litre of liquor is alleged to have been recovered from the house of this petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 18.06.2021, charge-sheet has been submitted in this case and that his mother has died as has been pleaded in the supplementary affidavit, the petitioner, above-named, is directed to be released on **provisional bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Nawada in connection with Nawada (Nagar) P. S. Case No.345 of 2021.

The provisional bail of the petitioner shall be



confirmed by the learned Court below after calling for a report from the concerned police station with regard to the aforesaid certificate issued by the Mukhiya of Gram Panchayat. The petitioner will submit a photo copy of the certificate issued by the Mukhiya of Gram Panchayat to the learned Court below, so that the learned Court below can get it verified from the concerned police station whether it has been issued by the concerned Mukhiya of Gram Panchayat or not.

In the event, if it is found that the certificate is fake and it was filed for the purpose of seeking bail, the provisional bail will be cancelled forthwith and the petitioner will be taken into custody.

The application stands allowed.

(Satyavrat Verma, J)

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