

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3001 of 2021

Arising Out of PS. Case No.-454 Year-2020 Thana- NAUBATPUR District- Patna

1. SURESH MANJHI SON OF RAMCHANDRA MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
2. SUNIL MANJHI SON OF LATE SURESH MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
3. MANOJ MANJHI SON OF LATE SURESH MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
4. SANJIT MANJHI SON OF BABAN MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
5. BABAN MANJHI SON OF YAMUNA MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
6. KHESARI MANJHI SON OF SHIVBHAI MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA
7. BHULETAN MANJHI @ BHUWAR MANJHI SON OF LATE FAGUNI MANJHI RESIDENT OF VILLAGE- GONWAN P.S- NAUBATPUR, DISTT- PATNA

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Special Case No. 5242 of 2020 arising out of Naubatpur PS Case No. 454 of 2020 registered under Sections 30(a) and 37(2) of Bihar Prohibition and Excise Act, 2016.



Recovery of illicit liquor has allegedly been made from the house of petitioner Nos. 1, 5, 6 and 7 separately. The total recovered quantity is 210 liters. Petitioner Nos. 2, 3 and 4 are stated to be sons of other accused persons.

Learned Counsel for the petitioners submits that the petitioners are having clean antecedent and they are in custody since 7.9.2020. Submission is of false implication. The liquor has been planted on extraneous consideration to implicate the petitioners due to subsisting disputes. There is non compliance of Section 100 Cr.P.C.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Excise Judge, Patna in Special Case No. 5242 of 2020 arising out of Naubatpur PS Case No. 454 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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