

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3542 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- MANJHI District- Saran

MITHUN KUMAR S/o Anant Manjhi @ Anwat Manjhi R/o village-
Gopalpur @ Gopalpur Kothi, P.S.- Basantpur, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, A.P.P.

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

2 13-04-2021 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 learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Manjhi P.S. Case No. 276/2020 registered for the offences punishable under Section 30, 30(a), 38(i)(ii) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant while on patrolling duty reached at Balia More and saw one Bolero car coming very rashly and on seeing police the driver of the said car fled away from the spot leaving the Car and on search the police recovered 180 liters of Beer from the said Bolero Vehicle.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case, petitioner has no knowledge regarding the seized articles and nothing has been recovered from his possession. Learned counsel submits that petitioner is in custody since 02.10.2020 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 and the submissions of learned counsel for the petitioner that the petitioner was arrested on the spot, he has no knowledge of the seized articles and there is no recovery from his possession, he is languishing in jail since 02.10.2020, he has otherwise no criminal antecedent and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, there being no statement on behalf of the State that release of the petitioner is 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 2nd Additional Sessions Judge – cum – Special Judge, Excise Act, Saran at Chapra, in connection with Manjhi P.S. Case No. 276/2020, 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)

Rajeev/-

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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'.

