

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5886 of 2022**

Arising Out of PS. Case No.-422 Year-2021 Thana- WARISLIGANJ District- Nawada

Sajo Manjhi Son of Lotha Manjhi Resident of Mohalla- Rasanpur, P.S.-
Warsaliganj, District- Nawada (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kr. Arya, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Warsaliganj P.S. Case No. 422 of 2021 registered for the offence
under Sections 30(a), 30(d) and 41 of Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.11.2021.

The allegation against the petitioner is to have in
possession of 240 liters of deshi Mahua wine and 3000 liters of
wine, which was in the process of making was destroyed.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery is from an open place near



community center of Rasalpur village. It has further been submitted that compliance of Section 100 of Cr.P.C. has not been made in the present case. It has further been submitted that petitioner is involved in three similar nature of cases in which he is on bail. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from an open place.

Considering the facts and circumstances as mentioned above, as the the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence, let the petitioner, above named, is directed to be released on bail in connection with Warsaliganj P.S. Case No. 422 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise, Nawada, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Reshama Devi, who is the sister-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

