

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8854 of 2022

Arising Out of PS. Case No.-914 Year-2021 Thana- KUDHNI District- Muzaffarpur

=====

Bhikhari Manjhi, aged about 50 years, Gender-Male, Son of Late Jageshwar Manjhi @ Jageshwar Majhi, Resident of village- Chhajan Harishankar, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Kudhani (Turki O.P.) P.S. Case No. 914 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner found in possession of 40 liters of toddy. The petitioner is named in the FIR and in custody since 12.12.2021.

Learned counsel appearing on behalf of the petitioner submitted that the recovery is not from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is a man of clean antecedent. Learned counsel



further disputed the seizure list as the same has not been supported by the independent witness.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that chargesheet has been submitted and recovery has not been made from conscious physical possession of the accused petitioner.

Considering the facts and submissions as made above and as the recovery has not been made from conscious physical possession of the accused/petitioner, coupled with the fact that the chargesheet has been submitted and as such there is no chances of tampering with the evidence, let the petitioner, above named, is directed to be released on bail in connection with Kudhani (Turki O.P.) P.S. Case No. 914 of 2021 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. IInd, Muzaffarpur subject to the following condition:-

“(i) That accused/petitioner shall not involve in the similar nature of offence during the pendency of trial, if found so, the State shall be at liberty to move before the trial Court itself for cancellation of bail of the petitioner.

(ii) That one of bailors shall be the close relative of



the accused petitioner like father/mother/sister/brother.”

(Chandra Shekhar Jha, J)

Anand Kr.

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

