

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22494 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SHEOHAR District- Sheohar

1. GANESH MANJHI Son of Late Kail Manjhi Resident of Village - Khairwa Darp, P.s.- Sheohar, Distt.- Sheohar.
2. Aklesh Manjhi Son of Ramchandra Manjhi Resident of Village - Khairwa Darp, P.s.- Sheohar, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar
For the State	:	Mr. Nityanand Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and learned APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sheohar P.S. Case No. 25 of 2022 registered for the alleged offences under Sections 30(a), 30(c) and 30(d) of the Bihar Prohibition and Excise Amendment Act, 2016.

As per prosecution case, 30 liters each of semi prepared country made liquor were recovered from the house of the petitioners who escaped from their house on seeing the



police.

Learned counsel for the petitioners submits that nothing has been recovered from conscious possession of the petitioners. They have been falsely implicated in this case. No recovery has been made from the petitioners who have named by the local *chowkidar* and have been arrested without any evidence. There is no compliance of provisions of Section 100 Cr.P.C. Charge sheet has been submitted in this case and the petitioners are in custody since 09.02.2022.

Learned APP opposes the prayer for bail of the petitioners.

Having regard to the submission made hereinabove and considering the nature of recovery made from the petitioners and further considering the submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Sheohar P.S. Case No. 25 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following



conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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