

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25954 of 2022**

Arising Out of PS. Case No.-61 Year-2022 Thana- AMAS District- Gaya

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DILIP MANJHI @ DILIP RIKIYASAN S/o Sri Babulal Manjhi Resident of  
Village- Jhari, P.S- Amas, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate  
For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-08-2022                      Heard learned counsel for the petitioner and learned  
  
APP for the State through video conferencing in view of the  
  
COVID 19.

Let the defect(s), if any, as pointed out by the office  
  
be removed within four weeks.

The petitioner is an accused in connection with Amas  
  
P.S. Case No. 61 of 2022 registered under Section 30 (a) of the  
  
Bihar Prohibition and Excise (Amendment ) Act, 2018.

The prosecution case, in short, is that the police on  
  
receiving secret information raided the scene and found 50 liter  
  
countrymade mahua on a motorcycle and a cash of Rs. 2800  
  
from the pocket of one Pramod Chaudhary. Further the '*Jawa  
mahua*' hidden on the earth was destroyed and two persons  
  
arrested, the petitioner being one of them.



Learned counsel for the petitioner submits that the police alleges to have recovered/seized 50 liter of countrymade mahua wine on the bank of Nala near Jhari Dam which being an open place under no circumstances can be attributed to him. However he has been named as an accused in the case for which he is languishing in jail since 21.02.2022 (as stated in paragraph-11 of the bail application) despite the fact that he has no criminal antecedent.

Taking into account the fact that the recovery/seizure of the quantity of liquor, the petitioner has no criminal antecedent, he is in custody since 21.02.2022 as also the fact that the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Excise Judge, Court No. 2, Gaya in connection with Amas P.S. Case No. 61 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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