

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26971 of 2022**

Arising Out of PS. Case No.-307 Year-2021 Thana- JALALPUR District- Saran

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UMESH MANJHI @ UMESH KUMAR @ UMESH KUMAR MANJHI
SON OF LATE VISHUNDEV MANJHI R/O VILLAGE- KOTHEYAN, P.S.-
JALALPUR, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27708 of 2022

Arising Out of PS. Case No.-307 Year-2021 Thana- JALALPUR District- Saran

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NIRAJ KUMAR Son of Late Hira Lal Mahto Resident of Village - Sakaddi,
P.s.- Jalalpur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26971 of 2022)

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 27708 of 2022)

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
undertaken period, office will place the matter before the Bench.



Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(A) of the Bihar Prohibition and Excise Act.

Altogether 60 liters of foreign liquor is said to have been recovered from a scooty. The allegation against the petitioners is that they are selling illicit liquor in the said vehicle. It is further alleged that the petitioners fled away from the spot after seeing police.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to dirty village politics. Their names transpired in the case on the basis of secret information. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. The said recovery has been made from a bamboo orchard situated in the field of Brijbihari Singh and neither that field nor the seized vehicle belongs to the petitioners. There is no compliance of section 100 Cr.PC. Petitioner Umesh Manjhi has two criminal antecedent and petitioner Niraj Kumar has no criminal antecedent, as also



mentioned in para-3 of the bail applications.

Petitioners are agreed to deposit a sum of Rs.30,000.00/- (Rupees Thirty Thousand) **each** in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Jalalpur P.S. Case No.307 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any



other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000/- (Rupees Thirty Thousand) **each** in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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