

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26191 of 2022

Arising Out of PS. Case No.-365 Year-2020 Thana- GAURICHAK District- Patna

Dharamdeo Manjhi Son Of Late Shivji Manjhi R/O Village- Lanka
Kachhuara, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vijaya Laxmi Srivastava, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Mrs. Vijaya Laxmi Srivastava, learned
counsel appearing on behalf of the petitioner and the learned
Additional Public Prosecutor for the State.

Petitioner seek bail in a case registered in connection
with Gaurichak P.S. Case No.- 365 of 2020 registered for the
offence under section 30(a) of Bihar Excise and Prohibition Act.

As per the prosecution case, it is alleged that while the
police party was on patrolling duty, got a secret information
that illicit liquor was being sold in Mushari orchard, conducted
raid from where 12 persons succeeded to flee away and one
Rameshwar Manjhi was apprehended and on search, 60 liters of
country made liquor was recovered from the Musahari orchard.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner was neither arrested at spot nor any incriminating material has been recovered from person or possession. It is further submitted that save and except the disclosure made by the co-accused person, who was apprehended on the spot, there is no other material which suggests the complicity of the petitioner. In fact, only because of one past criminal antecedent, the name of the petitioner has been implicated in this case, which shows the highhandedness of the police. It is further submitted that the petitioner is in custody since 22.09.2022, though after investigation charge-sheet has been submitted .

On the other hand learned counsel for the state opposes the bail application and submits that petitioner has found involved in one case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner was neither arrested nor any incriminating material has been recovered from person or possession of the petitioner and he is in custody since 22.09.2022, moreover, investigation has already been completed and charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount



each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Gaurichak P.S. Case No. 365 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.



(Harish Kumar, J)

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