

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37967 of 2021**

Arising Out of PS. Case No.-121 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. ANIL MANJHI, Son of Ramchandra Manjhi, Resident of Village - Tajpur, P.S.- Baruraj, District - Muzaffarpur.
 2. Manish Kumar, Son of Late Ravidas, Resident of Village - Baburban, P.S.- Baruraj, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Heard learned counsel for the petitioners and Mr. Ajit Kumar, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Excise Case No. 121/2021, P.R. No. 106/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016. He is in custody since 06.03.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that accused petitioners are indulging in selling country made wine and a raid was conducted and from back side of the house of petitioner no. 1 and from possession of petitioner no. 2 total 11 liters of country made liquor were



recovered and four hundred mixture of gur mixed liquid were recovered.

Learned counsel for the petitioners submitted that petitioners have been falsely implicated in this case. Learned counsel submits that 11 liters of country made wine was recovered from open place which was situated back side of the house of the petitioners, however they are in custody since 06.03.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the materials showing that the alleged recovery of 400 liters of mixed liquid which is alleged to be the excise materials have been recovered from a place outside the house of petitioner no. 1 and recovery of 11 liters have been shown from the possession of petitioner no. 2 but they have got no criminal antecedent and have remained in custody in connection with this case since 06.03.2021, investigation against them is complete and their further incarceration is not likely to come in aid of investigation or the prosecution, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of



the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 121/2021, P.R. No. 106/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

