

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30155 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- FATEHPUR District- Gaya

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Dharmendra Manjhi Son Of Late Bipin Manjhi @ Bipat Manjhi Resident Of
Village- Mochrak, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Fatehpur P.S. Case No. 473 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police party was on patrolling duty, they intercepted three
motorcycles however, on noticing the police party, out of
three persons two were succeeded to flee away and this
petitioner was apprehended by the police and on search



total 265 liters country made liquor was recovered. So far as this petitioner is concerned, it is alleged that 75 liters of country made liquor was made.

Learned counsel for the petitioner submits that nothing has been recovered from person or possession of the petitioner and moreover, from the FIR, it is evident that other co-accused persons were carrying illicit liquor and they have succeeded to flee away. It is next submitted that the petitioner has no concern with the seized motorcycle but only he being the passerby on noticing the police, started fleeing away and apprehended by the police and his name has been implicated in this case. Moreover, he is in custody since 18.12.2021, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner has neither any concern with the seized motorcycle nor with the illicit liquor and moreover, he is in custody since 18.12.2021 having fair antecedent, 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 Exclusive Special Judge, Excise, Gaya in connection with Fatehpur P.S. Case No. 473 of 2021 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.

(Harish Kumar, J)

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