

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29725 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- NARDIGANJ District- Nawada

RIPU MANJHI S/o Shibu Manjhi R/o village- Jafara Mushari, P.S.-
Nardiganj, District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar, Advocate
For the State	:	Ms. Renuka Ratnakar, APP
		Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nardiganj P.S. Case No. 35 of 2022 registered for the alleged offences under Sections 30(a), 30(d) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police received information that a person was manufacturing and selling illicit country made liquor. A raid was conducted and this petitioner was apprehended and from the spot a running furnace, 2.5 liters of country made *mahua* liquor, some implements for manufacturing the illicit liquor



and 400 liters of raw material for preparation of liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The recovery has been made from an open field and the petitioner has got no concern with it. The petitioner was apprehended merely on suspicion as it is clear from the FIR that he did not behave properly with the police personnel. There is violation of provisions of Section 100 of Cr.P.C., while making search and seizure. There is no connecting evidence against this petitioner that he participated in commission of alleged offence in any manner. Charge sheet has been submitted in this case and the petitioner is in custody since 24.02.2022. The petitioner has two criminal cases in which he is on bail.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was manufacturing illicit country made liquor and he was apprehended from the spot.

Having regard to the submissions made hereinabove and considering the quantity of liquor recovered from the spot along with the period of custody of this petitioner and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge (Excise) II, Nawadah in connection with Nardiganj P.S. Case No. 35 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

