

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31308 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- MADHAURAH District- Saran

SANTOSH MANJHI Son of Late Bharat Manjhi Resident of Village - Gaura
Paswan Toli, P.S. - Marhowrah, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Dewendra Narayan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Marhowrah P. S. Case No. 663 of 2021 registered for the offences punishable under Section 30, 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret informant that a huge consignment of country-made mahua wine is getting unloaded from a vehicle,



raided the place of occurrence, however on noticing the police party all the accused persons succeeded in fleeing away and on search, total 350 litres country-made mahua wine was recovered near the canal situated at village Gaura Paswan Toli.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is further submitted that the name of the petitioner has been disclosed by local residents and save and except the disclosure made by the local residents, there is no material suggesting the complicity of the petitioner in the present crime. It is next submitted that only because of the one past criminal antecedent of the petitioner on which he is on bail, his name has been implicated in this case. It is lastly submitted that the petitioner is in custody since 22.04.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material



has been recovered from his conscious or constructive possession and the name of the petitioner has been disclosed by the local residents, however, he is in custody since 22.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court-2, Saran at Chhapra in connection with Marhowrah P. S. Case No. 663 of 2021, subject to the condition that one of the bailors will be the close relative 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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