

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31748 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- PALI District- Jehanabad

Phuleshwar Manjhi @ Fuleshwar Manjhi Son Of Late Jatahu Manjhi R/O
Village- Makhdumpur Pali, P.S.- Pali, District- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Excise Case No. 51 of 2022 arising out of Pali P.S Case No. 08
of 2022 registered for the offences punishable under Sections
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 21 litre country made wine from the house of the petitioner
and petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.02.2022 and bears criminal
antecedent of one case of similar nature. Charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner and there is no compliance of Section 100 Cr.P.C. It has been further submitted that the name of the petitioner has been falsely implicated in this case and the alleged house is a joint property of the family.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Jehanabad in connection with Excise Case No. 51 of 2022 arising out of Pali P.S Case No. 08 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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