

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32644 of 2022

Arising Out of PS. Case No.-421 Year-2021 Thana- GHOSI District- Jehanabad

JAGGA MANJHI @ JAGWA MANJHI SON OF GALGAL MANJHI @
KRISHNA MANJHI R/O VILLAGE- SAIDPUR, P.S.- GHOSHI, DISTRICT-
JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2022 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. 829 of 2021 arising out of Ghoshi P.S. Case No. 421 of
2021 registered for the offences punishable under Sections 30(a)
of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 5 litres country made liquor below the firewood outside the
house of the petitioner .

Learned counsel for the petitioner submits that
petitioner is in custody since 25.04.2022. Petitioner bears two



criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession or from the house of the petitioner. Alleged recovery has been made from outside of the house of the petitioner and petitioner was not apprehended on spot. There is no compliance of Section 100 of Cr.P.C.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted 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. 829 of 2021 arising out of the Ghoshi P.S. Case No. 421 of 2021, 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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