

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32348 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Naresh Manjhi, S/o Late Baleshwar Manjhi, R/o village- Fakirabigha
Rampur, P.S.- Makhdumpur (Dharnai O.P.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Umesh Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Excise Case No. 203 of 2022, arising out of Makhdumpur (Dharnai O.P.) P.S. Case No. 214 of 2022, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on a secret information that the petitioner is engaged in selling illicit country made liquor apprehended him and on search three litres of country made wine was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that nothing has been recovered from the person or possession of this petitioner, as this fact would be evident from the seizure list wherein the place of recovery has been shown near Rampur Chaupal and even the name of the petitioner has not been mentioned in the seizure list. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case and the petitioner is in custody since 14.04.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted.

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

Having regard to the submissions made on behalf of the parties and considering the fact that the seizure list does not show the recovery has been made from the possession of the petitioner and moreover this petitioner is in custody since 14.04.2022, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds 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. 203 of 2022, arising out of Makhdumpur (Dharnai



O.P.) P.S. Case No. 214 of 2022, 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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