

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44196 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- AMNAUR District- Saran

LAKSHMAN MANJHI Son of Julum Manjhi Resident of Village - Amnour
Hata (as per F I R - Dharampur Jafar), P.S.- Amnour, District – Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 19.03.2021 seeks
regular bail in connection with Amnour P.S. Case No. 72 of
2021 registered for offences punishable under Sections 290,
504, 272, 273/34 of the Indian Penal Code and Sections 37(b)
(c), 30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that a raid was conducted
by the police party and altogether 60 litres of illicit liquor was
recovered from the bush in front of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is innocent has falsely been implicated in this case. He further submits that the allegation levelled against the petitioner is false and concocted and there is no recovery from the conscious possession of the petitioner and for no offence the petitioner is in custody since 19.03.2021.

Learned A.P.P., however, opposes the prayer for bail.

Having considered the rival submission of the parties and taking into consideration the antecedent of the petitioner, the Court below is directed to enlarge the petitioner to bail subject to the condition that if the petitioner furnishes Bank Draft of Rs. 2,00,000/- (rupees Two Lacs) in favour of Bihar State Legal Services Authority at Patna in Court below along with two solvent sureties of the like amount each to the satisfaction of learned Court of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Amnour P.S. Case No. 72 of 2021 subject to the following conditions:

(i) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found



involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

(iii)The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv)If the petitioner tempers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the Court below.

(Purnendu Singh, J)

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