

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35913 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- MAKER District- Saran

-
1. Dharmendra Manjhi Late Shambhu Manjhi R/O- Vill- Majhanpura, Manjhi P.S.- Manjhi, Dist.- Saran
 2. Hiralal Paswan Son Of Ramdev Manjhi R/O- Vill- Ishmaila, Kesharpur, P.S.- Dighwara, Dist.-SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Maker P.S.Case No. 87 of 2022 for the offences punishable under Sections 379, 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act 2018.

It is alleged that the police apprehended the petitioners, while they were carrying illicit wine under bricks on tractor. The petitioners are said to be driver and



cleaner of the tractor. On search total 788.04 liters of illicit liquor was recovered which was said to have concealed beneath the bricks.

It is submitted by the learned counsel for the petitioners that in fact no recovery has been made from the tractor of the petitioners rather the alleged recovery has been made in front of Rajendra Vidya Mandir School NH-22 as is evident from the seizure list. He next submits that in the seizure list, the signature of the petitioners do not appear. He further submits that the petitioners having clean antecedent are in custody since 15.05.2022 and after completion of the investigation, charge sheet has been submitted and as such keeping the petitioners behind the bar would serve no further purpose and there is no question of tempering with the evidences or intimidating the witnesses.

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that there is no signatures of the petitioners on the seizure list and moreover the seizure list does not show that recovery has been



made from the tractor, apart from petitioners having clean antecedent, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II Saran in connection with Maker P.S.Case No. 87 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--



