

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37486 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- MADHAURAH District- Saran

Upendra Manjhi, Son of Shatrughna Manjhi, Resident of village- Gaura
Paswan Toli, P.S.- Marhowrah (Gaura O.P.) District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 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. Devendra Narayan Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Marhowrah (Gaura O.P.) P.S. Case No. 663 of
2021 registered for the offences punishable under Sections 30,
30(a) of the Bihar Prohibition and Excise Act, 2018.

It is alleged that 350 litres of country made Mahua
liquor was recovered near a canal at Gaura Dusadh Toli. The
local people disclosed the name of six persons, including the
petitioner.

Learned counsel for the petitioner submits that the
petitioner was neither arrested at the place of occurrence nor any
incriminating material has been recovered from his person or



possession and only because of his past criminal antecedent, his name has been implicated in this case. He next submits that the petitioner is in custody since 23.05.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted, apart from the other infirmities in preparation of the seizure list.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is found involved in four other criminal cases.

In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in all the four cases.

Regard being had to the facts that the petitioner was neither arrested at the place of occurrence nor any incriminating material has been recovered from his person or possession and moreover the alleged recovery has been made from an open place, which is accessible to all and the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Judge, Excise Court, Saran at Chapra in connection with Marhowrah P.S. Case



No. 663 of 2021, subject to the condition that one of the bailors will be the close relative 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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