

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37289 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- KARPI District- Jehanabad

Krishna Manjhi, Son Of Keshar Manjhi, R/O Village- Rampur, P.S.- Karpi,
District- Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise Case No. 255 of 2021 arising out of Karpi P.S. Case No. 56 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 8 litres country made liquor was made from the house of the petitioner and 550 litres of fermented Jawa *Mahua* was also found in the house of the petitioner kept underground, which was destroyed at the



time of raid.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been falsely implicated in this case and there is no independent witness to the alleged recovery of illicit liquor. The petitioner is in custody since 16.04.2022 and charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and further considering the quantity of recovered liquor from the house of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Jehanabad in connection with Excise Case No. 255 of 2021 arising out of Karpi P.S. Case No. 56 of 2021, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:



(i) One of the bailors will be Bulendr Kumar, son of the petitioner, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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