

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37577 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- KINJAR District- Jehanabad

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SAMINDRA MANJHI Son of Mangroo Manjhi R/o Azadnagar Mushari, P.S.
- Kinjar, District - Arwal, Pin Code - 804419.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rohit Mishra, learned counsel for the petitioner as well as Mr. Dilip Kumar No. 1, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kinjer P. S. Case No. 21 of 2022 registered for the offences punishable under Sections Section 30 (a) (b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police on a secret informant, raided the house of the petitioner



and on search one litre Mahua liquor was recovered from the house of the petitioner and allegedly 60 litres under-process liquor was also recovered from outside the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R., it would be evident that raid was not made in presence of the petitioner and the name of the petitioner has been implicated in this case only on suspicion. It is next submitted that the seizure list does not bear the signature of any family members of the petitioner, which shows that no recovery has been made from the house of the petitioner. It is further submitted that the petitioner having fair antecedent, is in custody since 19.04.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose.

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

Regard being had to the submissions made on behalf of the parties and taking into account the infirmities in the preparation of the seizure list in as much as the petitioner having fair antecedent, is in custody since 19.04.2022, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court Number-II, Jehanabad in connection with Kinjer P. S. Case No. 21 of 2022, 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 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.

(Harish Kumar, J)

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