

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40930 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- KARPI District- Jehanabad

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MITHLESH MANJHI S/O LATE RAMDEO MANJHI Resident of Village-
Ramapur, P.S.- Karpi, District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Case No. 349 of 2022 arising out of Karpi P.S. Case No. 46 of
2022 registered for the offences punishable under Section 30(a)
(b)(c) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 15 litres country made Mahua from the house of the
petitioner. There is accusation against the petitioner that he
along with other was involved in the business of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.04.2022 and bears criminal



antecedent of three cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has falsely been implicated in this case. It is further submitted that the petitioner was not apprehended on spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No. 2, Jehanabad in connection with Excise Case No. 349 of 2022 arising out of Karpi P.S. Case No. 46 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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