

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42669 of 2022

Arising Out of PS. Case No.-418 Year-2021 Thana- SHASTRINAGAR District- Patna

Sanju Manjhi @ Sanjay Manjhi S/O Late Wakil Manjhi Resident of-
Ashiyana Digha Path Mushari, P.S.- Shastrinagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Shastrinagar P.S. Case No. 418 of 2021 for the offences punishable under Sections 30(a), (c) of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the police on a secret information apprehended three persons namely, Sonu Kumar, Binod Mukhiya and Shyam Kumar and on search respectively 6,4 and 14 liters country made



liquor and some apparatus used for manufacturing of liquor was recovered. They also disclosed that the liquors belong to the petitioner and other accused persons.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. He next submits that the hut in question from where the recovery has been made does not belong to the petitioner, there is no other material against him showing the complicity of the petitioner in the present crime. He further submits that the other co-accused persons, who were apprehended at the spot, they have already been granted bail by different co-ordinate Benches of this Court. So far as the petitioner is concerned, he is in custody since 07.02.2022. He last submits that the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in two other criminal cases of identical nature.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner



was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession so far as the alleged recovery is concerned, the same has been made from a hut which is said to be in the name of three persons as disclosed in the FIR, apart from other co-accused persons have been granted privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Shastrinagar P.S.Case No. 418 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

(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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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