

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43411 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- DIGHA District- Patna

Punpun Manjhi S/o Baleshwar Manjhi Resident of Atal Path, Musharhi, P.S.-
Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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.

At the outset, learned counsel for the petitioner seeks apology that he could not mentioned about the criminal antecedent of the petitioner in paragraph-3 of the petition.

Heard Mr. Shekhar Kumar Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Digha P.S. Case No. 256 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is to be engaged



in selling of illicit wine and on search total 10 liter country made Mahua wine was recovered from his physical possession.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact nothing has been recovered from the person and possession of the petitioner, however, only on account of his past criminal antecedent, his name has been implicated in this case. He further submitted that petitioner is in custody since 24.04.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted and keeping the petitioner behind the bar would serve no further purpose and there is no compliance of Section 100 of Cr.P.C.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Digha P.S. Case No. 256 of 2022, 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 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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