

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43186 of 2022

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

Mithlesh Manjhi Son Of Late Ramdeo Manjhi R/O Village- Ramapur, P.S.-
Karpi, District- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
		Mr. Radha Krishna Rakesh, Advocate
For the Opposite Party/s	:	Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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, in a drive against illicit liquor, the house of the petitioner and other co-accused persons were raided and different quantity of illicit country made *mahua*



liquor and raw material were recovered, seized and destroyed. From the house of this petitioner, 7 liters of country made *mahua* liquor was recovered and 500 liters of *jawa mahua* was destroyed.

Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. Learned counsel further submits that co-accused Krishna Manjhi has been granted bail by this court vide order dated 02.09.2022 passed in Cr. Misc. No. 37289 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 30.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the quantity of liquor said to be recovered from the house of the petitioner and further considering the submission of charge sheet along with his period of custody, 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 Exclusive Special 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 conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (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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