

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44298 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- GARKHA District- Saran

Umesh Manjhi S/O Bala Manjhi @ Ram Ikbali Manjhi R/O Village-
Phulwariya, P.S.- Garkha, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Rakesh Kumar Singh, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Garkha P.S. Case No. 221 of 2022 for the
offences punishable under Sections 30(a), 37(c) of the Bihar
Prohibition & Excise (Amendment) Act 2018.

The allegation against the petitioner is to be
engaged in sale and purchase of illicit liquor. The police
raided the place of occurrence, however on noticing the
police party out of seven persons six persons succeeded in



fleeing away and co-accused Bijendra Chaubey was apprehended at the spot. It is further alleged that the apprehended persons disclosed the name of the petitioner and total 110 liters country made liquor was recovered.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submits that the alleged recovery has been made from possession of co-accused Bijendra Chaubey and save and except the disclosure made by the apprehended co-accused there is no other material against the petitioner. He further submits that only because of one past criminal antecedent of similar nature, his name has been implicated in this case, though the petitioner is in custody since 22.04.2022.

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

Regard being had to the submissions 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 and save and except the disclosure made by the apprehended person, there is no other material against the petitioner, 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 2nd Additional Sessions Judge cum Special Excise Court-I, Saran at Chapra in connection with Garkha P.S.Case No. 221 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 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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