

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44890 of 2022

Arising Out of PS. Case No.-349 Year-2020 Thana- SAHPUR District- Patna

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Guddu Manajhi, Son of Mewa Manjhi, Resident of Jamsaut Musahari, P.S.-
Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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.

Heard Mr. Ashok Kumar Mishra, 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 Special Excise Case No. 5717 of 2020 arising
out of Shahpur P.S. Case No. 349 of 2020 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

In course of patrolling, the police on a secret
information conducted a raid and on search total 30 liters
country made liquor was recovered. It is further alleged that on



noticing the police party, accused persons succeeded in fleeing away. However, the local chaukidar disclosed the name of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submits that admittedly the alleged country made liquor was recovered from a barren land, which does not belong to the petitioner, apart from the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession. He further submits that the petitioner, having fair antecedent, is in custody since 17.05.2022 though the investigation of the crime is already complete and charge-sheet has been submitted. He lastly submits that there is non compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act.

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 petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and moreover, the alleged recovery has been made from a barren land, which



does not belong to the petitioner, 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 Excise Judge, Danapur, Patna in connection with Special Excise Case No. 5717 of 2020 arising out of Shahpur P.S. Case No. 349 of 2020 , 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.

(Harish Kumar, J)

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