

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45980 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MASAUDHI District- Patna

Chandra Bhushan Manjhi @ Bhushan Manjhi Son Of Late Algu Manjhi @
Aganu Manjhi Resident Of Village - Taregnadih Musahari, P.S.- Masaurhi,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Satish Chandra, 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 Special case no. 2443 of 2022 arising out of Masaurhi
P.S. Case No. 247 of 2022 for the offences punishable under
Sections 30(a), of the Bihar Prohibition & Excise Amendment
Act.

The police in course of patrolling duty, on
confidential information raided Taregna Musahari, however on
noticing the police party the accused persons including the



petitioner succeeded in fleeing away and on search total 80 liters country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended on the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure of the name of the petitioner made by the local chawkidar, there is no material suggesting the complicity of the petitioner. He next submits that there is no compliance of section 100(4) of the Cr. P.C, apart from the fact that the petitioner having fair antecedent is in custody since 04.06.2022.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither apprehended on the spot nor any incriminating material has been recovered from his person or possession and so far as the recovery is concern, the same is made from an open place which is accessible to all and the petitioner has fair antecedent is in custody since 04.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Masaurhi P.S.Case No. 247 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.

(Harish Kumar, J)

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