

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47449 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- DIGHA District- Patna

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KRISHNA MANJHI Son of Late Pujan Manjhi @ Shiv Pujan Manjhi
Resident of Village - Digha, Railway Line Mushari, P.S. Digha, District -
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Special Case No. 2350 of 2022 arising out of Digha P.S. Case
No. 277 of 2022 registered for the offences punishable under
Sections 30(a), 37(b) (c) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 10 litre mahua wine from the plastic sack and petitioner
alongwith others was apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 04.05.2022 and bears criminal antecedent of two cases of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article was recovered from conscious possession of the petitioner. The alleged recovery was made from an open field in abandon condition. Petitioner has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond 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 Special Case No. 2350 of 2022 arising out of Digha P.S. Case No. 277 of 2022, subject



to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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