

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48065 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- DIGHA District- Patna

=====

Bifan Manjhi @ Vifan Manjhi S/o Late Baishakhi Manjhi R/o Village- Digha
Mushahari, Atal Path Railway Line, P.S.- Digha, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dayashanker Pandey, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Digha P.S. Case No. 158 of 2022 lodged under Section 30(a) of
the Bihar Prohibition and Excise Amendment Act 2018.

As per the prosecution case, the total recovery of 40
litres wine is subject matter of this case.

Learned counsel for the petitioner submits that the
wine is not recovered from the conscious possession of the
petitioner rather it has been recovered from a *Tempo* on which
the petitioner was riding as a passenger. Learned counsel
specifically submits that he is neither owner nor driver of the

said *tempo*. Learned counsel for the petitioner submits that he is in custody since 06.03.2022, there are 2 criminal antecedent of the petitioner and in both the cases, he is on bail. Learned counsel further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Digha P.S. Case No. 158 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--