

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49392 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- BEUR District- Patna

Sanjay Manjhi S/o- Late Suresh Manjhi Resident of Bitaura, P.S.- Beur,
District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 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
Beur P.S. Case No. 400 of 2021 lodged under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 60 liter
wine is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 03.04.2022 having 3
criminal cases pending against him and he is on bail in all the
cases. He also submits that the petitioner was not apprehended

from the place of occurrence rather his name has been figured in this case by the alleged villagers and on their claim, police arrested the petitioner subsequently.

Learned counsel submits that the alleged recovery was not made from petitioner's possession rather it was alleged to be made from a public building (*samudayik bhawan*). He submits that the enemy villagers of the petitioner have disclosed his name. Learned counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

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 Beur P.S. Case No. 400 of 2021, 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.)

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