

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59746 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- KHIJARSARAI District- Gaya

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GORELAL MANJHI S/o LATE CHAMARU MANJHI R/o VILLAGE-
KHAIRA BHUAI TOLI, P.S-KHIZARSARAI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mrs.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Khizarsarai

P.S. Case No. 323/ 2020 registered for the offence punishable

under Section 30(a) of Bihar Prohibition and Excise

Amendment Act, 2018.

There is recovery of 2 litres of illicit country made

wine and Jawa Mahua kept in two gallon of 15 litres each.

Learned counsel for the petitioner submits that

petitioner has committed no offence and he has falsely been



implicated in the present case. He further submits that as per allegation 2 litres of country made wine and Jawa Mahua kept in two gallons were recovered from the house of the petitioner. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner and the petitioner is in custody since 16.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Gaya in connection with Khizarsarai P.S. Case No. 323/ 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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