

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52622 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- GAURICHAK District- Patna

1. Bhajan Manjhi Son Of Late Yugeshwar Manjhi R/O Village- Chipura Khurd Musahari, P.S.- Gaurichak, District- Patna
2. Futus Manjhi @ Fantoosh Manjhi Son Of Shiv Nath Manjhi R/O Village- Chipura Khurd Musahari, P.S.- Gaurichak, District- Patna
3. Pappu Manjhi Son Of Late Yugeshwar Manjhi R/O Village- Chipura Khurd Musahari, P.S.- Gaurichak, District- Patna
4. Panchu Manjhi Son Of Late Tarun Manjhi @ Taran Manjhi R/O Village- Chipura Khurd Musahari, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Gaurichak P.S. Case No. 403 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret
information about petitioners selling illicit liquor. A raid was

conducted and from the identified place, 100 liters of country made *mahua* liquor was recovered. None of the petitioners were apprehended from the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. They have been apprehended merely on suspicion. The petitioners were not arrested from the spot and nothing incriminating has been recovered from the conscious possession of the petitioners. No specific place of recovery has been mentioned by the police. The petitioners have no concern with the seized liquor and there is no independent witnesses to support the prosecution story. Charge sheet has been submitted in this case and the petitioners are in custody since 03.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners are having criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from their conscious possession and also considering the submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be

released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, Excise, Patna City, Patna in connection with Gaurichak P.S. Case No. 403 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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