

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63400 of 2021**

Arising Out of PS. Case No.-287 Year-2021 Thana- MIRGANJ District- Gopalganj

GUDDU MANJHI Son of Mohar Manjhi Resident of Village Dharnihata,
Police Station Mirganj, District - Gopalganj, State Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Yadav, Advocate
For the Opposite Party/s : Ms Asha Devi, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 Learned counsel for the petitioner points out that in the prayer portion of the bail application, due to inadvertence, wrong Police Station (for brevity, *PS*) has been mentioned. Instead of *Mirganj* PS, it has been typed as *Excise*.

Petitioner's counsel is permitted to correct the said error in the prayer portion, during course of the day.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Mirganj PS Case No 287 of 2021 registered on 01.09.2021 for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.



Since 15.09.2021, petitioner is stated to be in custody on alleged recovery of 44 liters of country made wine from his house, which, as per petitioner's counsel, is joint property. The recovery is from the *Dalan* of the house and not from the petitioner's possession. He is a man of clean antecedent.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody as also the submission that the investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Gopalganj in Mirganj PS Case No 287 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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

