

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57226 of 2022

Arising Out of PS. Case No.-569 Year-2021 Thana- CHANPATIA District- West Champaran

Keshaw Manjhi, Son of Late Bansi Manjhi Resident of Village - Garmua,
Musahar Toli, P.s.- Sirisia OP, Distt.- West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Chanpatiya (Sirisiya OP) P.S. Case No. 569 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about the petitioner and other co-accused persons manufacturing illicit liquor. A raid was conducted at the identified place but the petitioner and other co-accused fled away from the spot and from the *bhatthi* of the petitioner, 3 litres of country made liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case as he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The allegation against the petitioner is not believable as the recovery has been shown from an open place which is easily accessible to the general public. The petitioner is in custody since 21.07.2022 and charge sheet has been submitted.

The learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge sheet, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Chanpatiya (Sirisiya OP) P.S. Case No.569 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 petitioner.



(ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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