

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65321 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- PARSA District- Saran

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AMRESH MANJHI @ BHADDU MANJHI @ GUDDU MANJHI Son of
Rajdeo Manjhi Resident of Village - Titira, Sonaho Bhatha, P.S.- Parsa, Distt.-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Parsa P.S.
Case No. 117/2021 registered for the offences punishable under
Sections 120(B)/272/273 of the Indian Penal Code and Sections
30/30(a)/38/41 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 870 liters spirit from the Palani of the petitioner and one
Hero motorcycle was also recovered from the place of
occurrence. The petitioner and others fled away from the place
of occurrence.

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



case merely on suspicion. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The said Palani is situated at the back side of the house of the petitioner, having no boundary wall and have free excess. The petitioner is not at all concerned with the recovered articles in any manner. The petitioner is languishing in custody since 15.09.2021 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He specifically submits that charge has also been framed.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted, charge has also been framed as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran in connection with Parsa P.S. Case No.



117/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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