

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67327 of 2021

Arising Out of PS. Case No.-382 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Munchun Manjhi Son of Late Baldeo Manjhi Resident of Village- Bhupatipur
Musahari, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

A supplementary affidavit has been filed on behalf of the petitioner bringing on record the fact that due to inadvertence in Para-3, the correct position could not be mentioned, and as such he seeks apology for the same. However, he submits that the petitioner is named in one another case besides the present one.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Special Case No. 5311 of 2021 arising out



of Ramkrishana Nagar P.S. Case No. 382 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

It is alleged that the house of the petitioner and co-accused Harendra Manjhi were raided by the police and on search total 370 liters illicit country made liquor was recovered.

Learned counsel for the petitioner submits that recovery has been made from a hut which does not belong to the petitioner and moreover, he being brother of Harendra Manjhi & others, the alleged hut comes under the joint possession of various persons and as such the petitioner cannot be held responsible for the recovery. He further submits that the petitioner was not apprehended at the place of occurrence nor the seizure list bears the signature of the petitioner. It is next submitted that the petitioner is in custody since 10.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has named in one another criminal case.

Having heard the rival contentions of the parties



and taking into consideration the fact that the alleged recovery has been made from the hut which does not especially belong to the petitioner and moreover, he was neither apprehended at the spot nor any incriminating article has been recovered from person or possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Patna in connection with Special Case No. 5311 of 2021 arising out of Ram Krishna Nagar P.S. Case No. 382 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive



dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling 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

(Harish Kumar, J)

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