

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67675 of 2021

Arising Out of PS. Case No.-65 Year-2019 Thana- BAIRIYA District- West Champaran

Laxman Manjhi S/o Vishvanath Manjhi R/o village- Laukariya, Mushari Tola,
P.S.- Bairiya, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-05-2022

Heard counsel for the parties.

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

The petitioner is in custody in connection with Bairiya
P.S. Case No. 65 of 2019 registered under sections 414/34 of the
Indian Penal Code and section 30(a), 36 of Bihar Prohibition
and Excise Act, 2016.

As per FIR, the police upon information intercepted
three motorcycles and arrested two persons while one person
managed to escape. The arrested persons named him as this
petitioner. From the apprehended persons altogether 117.04
litres of India Made Foreign Liquor was recovered/seized.

Learned counsel for the petitioner submits that he was
neither arrested from the spot nor anything has been recovered



from his possession. His name cropped up on the basis of confessional statement of the arrested persons for which he has suffered by being in jail since 18.8.2021 (as stated in para-12 of the bail application). He further submits that he has no criminal antecedent and if it is found that he do have any criminal antecedent, the bail order can be termed null and void.

Considering the aforesaid facts that charge-sheet stands submitted, he is jail since 18.8.2021 and not arrested on the spot; this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 65 of 2019 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police



station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

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

