

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60601 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- GOPALPUR District- Patna

1. TUNTUN MANJHI Son of Sahdeo Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
2. Mithlesh Manjhi Son of Late Krishna Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
3. Chaneshawari Devi Wife of Ramesh Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
4. Wakil Manjhi @ Bakil Manjhi Son of Awadhesh Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
5. Indal Manjhi Son of Ramsharan Manjhi @ Shanichar Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
6. Rajkumar Manjhi Son of Late Dharmvir Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna
7. Ramesh Manjhi Son of Jamun Manjhi R/V- Monoharpur Kachhuara, P.S- Gopalpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Special

Case No. 3452 of 2022 arising out of Gopalpur P.S. Case

No. 309 of 2022 , registered for the offences punishable

under Sections 147,148,149,341,323,325,332,307,353 and

427 of the Indian Penal Code and Sec 30(a)(c), 45 of the



Bihar Prohibition and Excise Act, 2016.

As per allegation, 1000 litres of country made liquor was recovered from beneath of ground.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioner. They also submit that petitioners have categorically denied about the allegation levelled against them and they have no connection with the alleged occurrence.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner nos. 1 to 4 have no criminal antecedent, whereas petitioner nos. 5, 6 and 7 have been accused in one more case.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances,



the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Special Judge Excise, Patna in connection with Special Case No. 3452 of 2022 arising out of Gopalpur P.S. Case No. 309 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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