

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58525 of 2022

Arising Out of PS. Case No.-266 Year-2022 Thana- BODHGAYA District- Gaya

Shankar Manjhi, Son Of Rameshwar Manjhi @ Bahadur Manjhi @ Bhado Manjhi, R/O Village- Fulchar, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

In the present case, the petitioner seeks bail in connection with Bodhgaya P.S. Case No. 266 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 10 litres of country made liquor was made from the house of the petitioner who was not apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. In fact, the recovery has been made from an



abandoned place and for this reason none of the persons agreed to become witness on the seizure list. The occurrence took place on 22.05.2022 but the FIR and seizure was sent to the court on 25.05.2022 after delay of three days for which there is no reasonable explanation. The petitioner is in custody since 30.07.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties 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 clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Gaya in connection with Bodhgaya P.S. Case No. 266 of 2022, 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)

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