

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1273 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- MAHUA District- Vaishali

1. Gajadhar Manjhi S/O Dhara Manjhi R/O Village - Harpur Belwa, Mushari, P.S. - Mahua, District - Vaishali.
2. Munna Manjhi S/O Moti Manjhi R/O Village - Harpur Belwa, Mushari, P.S. - Mahua, District - Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Mahua P.S. Case No. 93 of 2020 registered for the offences punishable under Sections 30(a), 31(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 1375.200 litre foreign liquor from the house of the petitioners and petitioners fled away from the spot. Local people disclosed the names of the petitioners.



Learned counsel for the petitioners submits that petitioners are in custody since 29.07.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that petitioners are not apprehended on the spot and they are not concerned with the alleged liquor. Nothing has been recovered from the conscious possession of the petitioners and the names of the petitioners have been falsely implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioners are not apprehended on the spot and the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II -cum Excise court, Vaishali, Hajipur in connection with Mahua P.S. Case No. 93 of 2020 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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