

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66856 of 2022**

Arising Out of PS. Case No.-516 Year-2022 Thana- GAURICHAK District- Patna

1. Rajdeo Manjhi Son of Late Vaishakhi Manjhi Resident of village - Barawa, Police Station - Gaurichak, District - Patna.
2. Bauna Manjhi Son of Late Dhanpat Manjhi Resident of village - Barawa, Police Station - Gaurichak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      23-12-2022                      Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Gaurichak P.S. Case No. 516 of 2022 registered for the offence under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2022.

The accused/petitioners are named in the F.I.R., where both are in custody since 18.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 10 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that recovery of alleged illicit liquor was made from an open place as per seizure list, it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of these petitioners. It is submitted that petitioners found involved in one more case of similar nature, where they are on bail. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from open place, coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Gaurichak P.S. Case No. 516 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna City, Patna/concerned Court, subject to the conditions as mentioned



under Section 437(3) of the Cr.P.C with further condition:

“ThatAccused/Petitioners  
shall cooperate in the trial and  
shall be physically present on each  
and every date before the learned  
Trial Court till conclusion of the  
trial and exemption from physical  
appearance be allowed by the  
learned Trial Court, only on  
medical ground of the petitioners  
duly supported by the documents.”

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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