

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2297 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- DIGHWARA District- Saran

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JAINATH MANJHI @ JAINATH PASWAN S/o Late Narayan Paswan @
Narayan Manjhi R/v- Barbanna, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Excise

Case No. 1479 of 2022 arising out of Dighwara P.S. Case

No. 172 of 2022, registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise Act,

2016.

As per allegation, 300 litres of country made liquor

was recovered from the place of occurrence.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that petitioner was arrested only on



suspicion and nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 17.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Addl. District and Sessions Judge 2nd cum – 1st, Exclusive Special Judge, Excise, Saran at Chapra in connection with Excise Case No. 1479 of 2022 arising out of Dighwara P.S. Case



No. 172 of 2022, on the following conditions:

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

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

(iii) The petitioner 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner 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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