

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2212 of 2023

Arising Out of PS. Case No.-213 Year-2021 Thana- AMAS District- Gaya

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ROHIT KUMAR @ ROHIT MANJHI Son of Saryu Rishiyasan @ Saryu
Manjhi Resident of Village- Jhari, P.S.- Amas, District- Gaya. ... Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Nikhil
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Amas P.S. Case No. 213 of 2021 under section 30(a)/38/41
of Bihar Prohibition and Excise Amendment Act.

As per the prosecution story, the police upon
information that some persons are engaged in manufacturing
wine, reached the place of occurrence and appended one Barat
Singh Bhokta who disclosed the name of other accused persons
and upon search, 40 liters of country made wine, wine making
apparatus 1600 liters of 'Jawa Mahua' were recovered which
was/were destroyed by the team.

Accordingly, the FIR.

Learned counsel for the petitioner submits that



admittedly one Barat Singh Bhokta was apprehended and on his statement, the accused persons have been implicated and similar situate other persons were also named by the said accused have since been granted the privilege of anticipatory bail vide Cr. Misc. No. 61333 of 2022 on 2.12.2022.

Taking into account the aforesaid fact that nothing has been recovered from his conscious possession as also that similar placed co-accused have been granted relief (Annexure-2 series), this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No.II, Gaya, in connection with Amas P.S. Case No. 213 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Before parting, this Court like to record its word for appreciation rendered by the learned counsel for the petitioner.

(Rajiv Roy, J)

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