

**-IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2887 of 2023**

Arising Out of PS. Case No.-59 Year-2022 Thana- BUNIYAD GANJ District- Gaya

RAMJATAN MANJHI @ RAM JATAN MANJHI Son of Kameshwar Manjhi
R/V- Songra Bhunitoli, P.s- Buniyadganj, dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12395 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- BUNIYAD GANJ District- Gaya

AKHILESH MANJHI @ MITHILESH MANJHI Son of Ranjan Manjhi @
Ramjatan Manjhi R/V- Songra P.s- Buniyadganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2887 of 2023)

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 12395 of 2023)

For the Petitioner/s : Mr. Priyadarshi Pankaj Raj Anand

For the Opposite Party/s : Mr. Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

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

for the State.

The petitioners seek bail in connection with

Buniyadganj P.S. Case No. 59 of 2022, registered for the

offences punishable under Section 30(a) (b) (c) of Bihar

Prohibition and Excise Act, 2016.



As per allegation, 200 litres of jawa mahua was recovered from a hut.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners.

They further submit that the petitioner no. 1 has been languishing in jail since 11.10.2022 and petitioner no. 2 has been languishing in jail since 13.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

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

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail



bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court No. 1, Gaya in connection with Buniyadganj P.S. Case No. 59 of 2022, on the following conditions:

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

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

(iii) The petitioners 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 them 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 petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners



after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

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

Ld. counsel for the petitioners 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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