

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5811 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

BAIJU MANJHI S/O LATE AKALU MANJHI Resident of Village- Kushar,
P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar,Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 22.08.2022 in connection with Tariyani P.S. Case No.269 of 2021, F.I.R. dated 11.11.2021 registered for the offence punishable under Sections 30(a),30(b),30(c) of Bihar Prohibition and Excise Amendment Act, 2018.

Allegation against the petitioner is that a raid was made on the basis of the secret information and 15 liters country made liquor kept in 3 gallons and 150 liters semi prepared liquor, 25 pieces Nausadar each 25 gram, pesticide (yeast) kept in polythene were recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. Further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the joint house property of the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Sheohar in connection with Tariyani P.S. Case No.269 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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