

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13471 of 2023

Arising Out of PS. Case No.-616 Year-2022 Thana- BEUR District- Patna

1. SONU KUMAR @ PUCHU @ PACHU Son of Sri Kameshwar Ray R/o New Alkapuri, P.S.- Gardanibagh Dist- Patna
2. SANTOSH MANJHI @ KAUA @ KARU Son of Late Chandeshwar Manjhi R/o Hasanpura Mushahri, P.S.- Beur, Dist- Patna
3. YOGENDRA MANJHI Son of Bihari Manjhi R/o Parnadi Hasanpura, P.S.- Beur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 28.11.2022 in connection with Spl. Case No. 8129 of 2022 arising out of Beur P.S. Case No. 616 of 2022, F.I.R. dated 27.11.2022 for the offences punishable under Sections 30(a) and 37 of Bihar Prohibition and Excise Act.

According to prosecution case, upon receiving secret information the informant along with other constables raided the alleged place and upon seeing the police party six accused persons tried to run away but they were all caught. It is further alleged that 92 litres of country made mahua liquor was

recovered from the place.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioners and recovery has been made in front of the community hall and petitioners have no concern with the alleged recovery of the liquor and there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in judicial custody since 28.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Beur P.S. Case No. 616 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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