

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10782 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- GOPALPUR District- Patna

1. NAGINA MANJHI Son of Dwarika Manjhi Resident of Village - Manoharpur, Kachhuara, Police Station - Gopalpur, District - Patna, Bihar, Pin Code - 800016.
2. Kushumari Devi Wife of Nagina Manjhi Resident of Village - Manoharpur, Kachhuara, Police Station - Gopalpur, District - Patna, Bihar, Pin Code - 800016.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar, Adv.
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 332, 307, 353, 437 of the Indian Penal Code and Sections 30(a)/45 of the Bihar Prohibition and Excise Act, 2018.

Altogether, 13 litres of illicit country made liquor and 1000 litres of Mahua have been recovered from the house of the co-accused. The petitioners and other co-accused persons are said to have assaulted the police party.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. No incriminating article have been recovered from the conscious physical possession of the petitioners rather the alleged illicit liquor is said to have been recovered from the house of the co-accused persons. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot. They had not consumed liquor. There is nothing on record to indicate the complicity of the petitioners barring the statement of the local Chowkidar. Similarly situated co-accused have been granted bail by this Court as mentioned in Annexure 2, 3 & 3/1. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) each in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case,



let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Gopalpur P.S. Case No. 309 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

