

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37563 of 2023

Arising Out of PS. Case No.-1207 Year-2022 Thana- TURKAULIYA District- East Cham-
paran

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DEVDHARI MANJHI @ DEODHARI MANJHI Son of Late Chokat Manjhi
Resident of village - Sapahi Sariswan, Pusahar Toli, P.S. - Raghunathpur
(O.P), Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari

For the Opposite Party/s: Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 272, 273/34 of the IPC and Section 30 (a)/41(1) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 8 liters of country made liquor is said to have been recovered from the house of the petitioner and 13 liters of illicit liquor is said to have been recovered from the back side of the shop of the co-accused Shivrath Rai.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious



physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of suspicion. He submits that the date of occurrence was 16.12.2022 but the case has been instituted on 17.12.2022 and the same has been sent to Court on 18.12.2022, so this delay creates serious doubt on the entire prosecution story. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case as the petitioner has no criminal antecedent, let the above named petitioner, be released on bail, in the event of his 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) 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



Turkauliya (Raghunathpur) P.S. Case No.1207 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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