

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40356 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BUNIYAD GANJ District- Gaya

PAWAN MANJHI SON OF YOGI MANJHI RESDENT OF VILLAGE
SONGRA, PS BUNYADGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Amitesh Singh learned counsel for the
petitioner and Mr. Jitendra Singh learned APP.

The petitioner apprehend his arrest in connection with Gaya Buniyadganj P.S. Case No. 10 of 2023 for the offence punishable under Section 30 (a) Bihar Prohibition And Excise lodged on 11.01.2023 by the informant Manoj Kumar Singh.

As per the FIR, the police went to Songara Village on secret information and they reached the house of the Pawan Manjhi (petitioner herein) saw some persons escaping after throwing a gallon in the bushes, the same was searched and 10 litre 'Mahua' was recovered. Further the house of Sukhi Manjhi was raided and 50 litres 'Jawa Mahua Flower' was found buried in the ground. Accordingly, the FIR.

As per the learned counsel for the petitioner there is



no recovery from the part of the petitioner nor from his house but from an abundant place, a gallon of 10 litre '*Mahua*' has been recovered which has been attributed to this petitioner.

Learned APP opposes the prayer that he was found escaping after throwing a gallon.

Considering the fact that there is no recovery from the petitioner nor from his house and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Exclusive Excise Court No. 1 Gaya, in connection with Buniyadganj P.S. Case No. 10 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

Jagdish/Jyoti/

(Rajiv Roy, J)

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

