

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42057 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

SURENDRA MANJHI SON OF SHIVBALAK MANJHI RESIDENT OF
VILLAGE -MANGALPUR, PS- MAHAMMADPUR, DISTRICT
-GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Mahammdpur P.S. Case No. 89 of 2023 for the offence registered under sections 30(a) of the Bihar Prohibition & Excise Amendment Act lodged on 22.04.2023 by the informant, Bhola Rajbanshi.

As per the prosecution story, the police upon knowledge that the petitioner is selling liquor putting it between the bricks proceeded to said place. The accused persons managed to escape and 13 pieces of officer's choice whiskey totalling 2.340 litres were recovered/seized, the '*chawkidar*' named the petitioner as the person. Accordingly, the FIR.

It is the case of the learned Counsel for the petitioner



that the alleged recovery is from an open place and he has nothing to do with it, the 'chawkidar' due to enmity has given his name only because he has criminal antecedent of the same nature.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent of the same nature.

Since the recovery/seizure is from the open place and his name has been given by the 'chawkidar', will ultimately face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum Special Judge Excise-I, Gopalganj in connection with Mahammadpur P.S. Case No. 89 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 fortnight for next six months to mark 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 the bail bonds

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

(Rajiv Roy, J)

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