

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40507 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- MADHAURAH District- Saran

UDAY MANJHI Son of Ram Ekbal Manjhi Resident of village - Semrahiya,
P.s. - Marhowrah, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 185 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 06.04.2023 by the informant, Pooja Gupta.

As per the prosecution story, the Police move toward the informed place where named person escaped throwing the bag. Upon opening, 20 liters of illicit liquor was found, the locals gave the name of the person who escaped as the petitioner. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that there is no recovery from his personal possession and/or his house and the villagers due to enmity, named his name.

Learned APP opposes the prayer.



Taking into account the aforesaid fact that recovery is from an abandoned bag, he do not have criminal antecedent , this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd, Exclusive Special Excise Judge, Saran at Chapra , in connection with Marhowrah P.S. Case No. 185 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her 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 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.

(Rajiv Roy, J)

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