

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43215 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KAKO District- Jehanabad

KARA MANJHI son of Sakhichand Manjhi Village- Kako Musahari Ps Kako
Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kako P.S.
Case No. 131 of 2023 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 10.05.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 05 litres of IMFL/country made liquor from jointly occupied
vehicle.

5. Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged illicit liquor appears to be made
from the house of this petitioner, which is jointly occupied by several
family members and, as such, it can be said safely that recovery of



alleged illicit liquor was not made from conscious physical possession of this petitioner. It is further submitted that the compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case, regarding search of premises. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases of similar nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kako P.S. Case No. 131 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Excise, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall
not involve in similar nature of
offence till the conclusion of trial,



failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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