

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47213 of 2023**

Arising Out of PS. Case No.-23 Year-2023 Thana- MAINATAND District- West Champaran

Surendra Manjhi Son of Nageshwar Manjhi Resident of village - Chiutaha,  
P.S. - Mainatand, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate  
For the Opposite Party/s : Mr.Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      08-08-2023                      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  
Mainatand P.S. Case No. 23 of 2023 registered for the offence  
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in  
custody since 20.05.2023.

4. The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 2 litres of IMFL/country made liquor.

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 was jointly  
occupied by other family members and as such it can be safely



said that recovery was not made from the conscious physical possession of the petitioner. It is also submitted that compliance of Section 100(4) of the Cr.P.C. regarding search of premises not appears to be followed in the present case. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor appears to be made from the jointly occupied house of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Mainatand P.S. Case No. 23 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 Exclusive Special Judge, Excise, Bettiah, West Champaran/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 indulge in any criminal case 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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