

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47649 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- FATEHPUR District- Gaya

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DINESH MANJHI SON OF ALAKHDEO MANJHI RESIDENT OF
VILLAGE- DHIBAR, TOLA- ADARICHAK, PS- FATEHPUR, DISTT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard Mr. Ajay Kumar Sinha, learned counsel for

the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Fatehpur P.S. Case No. 190 of 2022 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 14.04.2022 by the informant, Ajay Kumar Jha.

As per the prosecution story, the allegation is that police during patrolling raided the hut of the petitioner and total 15 litres '*mahua*' liquor was recovered/seized. Accordingly, the FIR.

It is the case of the petitioner that the recovery is away from his house in a 'hut' where the pigs are being kept and



as such, the same cannot be attributed to him. The further contention is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that the alleged recovery is from an open '*hut*' where the pigs are being kept, is away from the house of the petitioner and he do not have criminal antecedent, 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 Exclusive Special Excise Court No. 01, Gaya in connection with Fatehpur P.S. Case No. 190 of 2022 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 one year 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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