

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53438 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- BUNIYAD GANJ District- Gaya

SARJU MANJHI @ SANJU MANJHI SON OF CHHOTAN MANJHI
MOHALLA MANPUR SURAJ POKHARA BHUINTOLI, PS-
BUNIYADGANJ, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 02.07.2023 seeks bail, in connection with Buniyadganj P.S. Case No.125/2021, dated 18.07.2021, for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.
3. According to prosecution case, 12 litres of country made wine is said to have been recovered from the possession of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that 12 litres of country made liquor (Mahua wine) has been recovered from the house of the petitioner. The petitioner is not the



exclusive owner of the house in question and there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 02.07.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one in which the petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Gaya in connection with Buniyadganj P.S. Case No.125/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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