

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52519 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- GURUA District- Gaya

Karu Manjhi @ Karu Bhuiya S/O Late Chalitar Manjhi R/O Village-
Amarpur, Balapur, Ps. Gurua, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Gurua P.S. Case No.221 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 06.05.2023 by the informant Kamlesh Sah.

As per the prosecution story, the police upon information raided the place and allegation is that from the house of the petitioner, 20 liters 'Mahua' and 60 liters 'Jawa Mahua' recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that it is an open house and further when the police states that the same has been destroyed, it cannot be accepted that it was recovered/seized. The last submission is that he is in custody since 05.07.2023 (para-9 of the petition).

Learned APP opposes the prayer for bail.



Taking into account the submissions put forward by the learned counsel for the petitioner as also the custody period, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Gurua P.S. Case No.221 of 2023 to the satisfaction of learned Exclusive Special Excise Court-2, Gaya , subject to following conditions:

(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 fortnight for next six months 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.

(Rajiv Roy, J)

Prakash Narayan

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