

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54317 of 2023

Arising Out of PS. Case No.-385 Year-2023 Thana- FATEHPUR District- Gaya

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1. Pradeep Manjhi son of Mahavir Manjhi Village- Telani Ps- Fatehpur Dist- Gaya
 2. Jitendra Kumar son of Mahenda Turia Village- Telani Ps- Fatehpur Dist- Gaya
 3. Pintu Kumar son of Mithilesh Turia Village- Telani Ps- Fatehpur Dist- Gaya
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 06.06.2023 in connection with Fatehpur P.S. Case No. 385 of 2023, F.I.R. dated 03.06.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, recovery of 100 liter wine, each having 4 Gallon, has been made.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R. and seizure list, nothing has been recovered from the conscious possession of the petitioners and



the recovery has been made from the motorcycle in question. He further submits that country-made liquor has been recovered from each motorcycle, having four gallon, has been recovered from the possession of the petitioners and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 06.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitionera, 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 Fatehpur P.S. Case No. 385 of 2023, subject to the following conditions:-

i. Petitionera 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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