

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58644 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- GAYA MUFASIL District- Gaya

JAGGA @ JAGLAL CHAUDHARY son of Sukhlal Chaudhary @ Thanak Chaudhary Village- Salempur Bhui Toli Bahora Bigha Ps- Muffasil Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diksha Kumari, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard Ms. Diksha Kumari, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioner is in judicial custody in connection with Gaya Muffasil P.S. Case No. 48 of 2023 for the offence punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise (Amendment) Act lodged on 12.1.2023 by the informant, Ranjeet Kumar.

As per the prosecution story, the allegation is that the police recovered 40 liters of Mahua liquor, 20 kgs of Mahua Flower as also other utensils for its manufacturing from the house of Ganesh @ Gaina Manjhi and the allegation is that the



petitioner was also an accomplice to the said manufacturing/selling of the Mahua liquor. Accordingly, the FIR.

Learned counsel for the petitioner submits that admittedly the recovery is from the house of Ganesh Manjhi, he has nothing to do with the same, nothing recovered from his conscious possession and has remained in custody since 8.8.2023 which has come by way of supplementary affidavit.

Learned APP opposes the prayer stating that he was an accomplice of Ganesh Manjhi.

Taking into account the aforesaid submission, the recovery is from Ganesh Manjhi's house, nothing from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Gaya Muffasil P.S. Case No. 48 of 2023 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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