

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59260 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- MALSALAMI District- Patna

GOVERDHAN MANJHI S/o RAM SHARAN MANJHI R/o Mansurganj
Mushahri, P.S. - Malsalmi, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Malsalami P.S. Case No. 364 of 2023 for the offence under section 30(a), 36 of Bihar Prohibition and Excise Amendment Act 2016 lodged on 25.05.2023 by the informant, Sudhir Kumar Yadav.

3. As per the prosecution story, the allegation is that the Police on secret information, intercepted/apprehended accused persons and from the Jute bags, 240 liters country made liquor recovered/seized which followed the arrest and the FIR.

4. Learned counsel for the petitioner submits that he has been falsely implicated in this case, has suffered by being in custody since 17.07.2023 (as stated in paragraph 11 of the petition).



5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Taking into account the submissions put forward by the learned counsels for the parties, is in custody since 17.07.2023 and will be facing the trial, this Court is inclined to extend him the privilege of bail after framing of charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge Excise, Patna City (Patna), in connection with Malsalami P.S. Case No. 364 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/her 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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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