

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65704 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- AMNAUR District- Saran

Jilwan Manjhi, aged about 30 years, male, Son of Sudarshan Manjhi Resident of village - Rasulpur, P.S.- Amnaur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kumar Srivastva, Adv.

For the State : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (*for brevity, APP*) appearing for the State of Bihar.

The petitioner seeks bail in connection with Amnaur PS Case No. 121 of 2022, registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

There is recovery of 355.40 litres illicit liquor from three places, all of which are free and accessible to one and all.

As per submission of the petitioner's counsel the criminality, for such recovery, cannot be fastened on the petitioner. While witnessing the recovery, he has been taken in custody, on suspicion. The recovery is denied and disputed, though it is admitted that he has one antecedents, as per disclosure made in para three (3) of the bail petition. It is submitted that recovery is not in accordance with law.

The petitioner is in custody since 09-05-2022.



Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Addl. District and Sessions Judge-II-cum 1st Exclusive Spl. Judge Excise Saran, Chapra, in connection with Amnaur PS Case No. 121 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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