

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66872 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- BIHTA District- Patna

RAJESH MANJHI, S/O ADALAT MANJHI, Resident of village- Suryapura,
P.S.- Basantpur, District- Siwan, Bihar- 841406

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Adv

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bihta P.S. Case No. 422 of 2022 registered under Sections 30(a), 41(I), 32(II), 32(III) and 36 of Bihar Prohibition and Excise Amendment Act, 2018.

Petitioner is stated to be driver of the vehicle from which there is alleged recovery of 50.300 litres illicit liquor.

It is submitted by learned counsel for the petitioner that the petitioner is a man of fair antecedent. His services were requisitioned



for driving the vehicle to a particular destination. He has become victim of the circumstances. He was oblivious of the liquor being concealed in the vehicle. He is in custody since 03.05.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submission, clean antecedent, manner of recovery, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in Bihta P.S. Case No. 422 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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