

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68163 of 2023

Arising Out of PS. Case No.-252 Year-2023 Thana- CHAKAND District- Gaya

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1. Arti Devi, Wife Of Nand Lal Manjhi, Resident Of Village- Shadipur, Ps- Chakand, Distt- Gaya
 2. Nandlal Manjhi, Son Of Kuledar Manjhi, Resident Of Village- Shadipur, Ps- Chakand, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Promad Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Chakand P.S. Case No.252/2023, lodged on 28.07.2023 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 40 litres of Mahua liquor has been recovered from the house of the petitioners which is subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners have falsely been implicated in this case. He further



submits that the antecedent of the petitioners are clean and he is in custody since 29.07.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the recovery has been made from the house of the petitioners.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Chakand P.S. Case No.252/2023, subject to the as laid down under section 437(3) Cr.P.C as well as following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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