

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67174 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- BELHAR District- Banka

SIYARAM MANJHI, Son Of Late Mahdu Manjhi, R/O Village- Belhar Basti,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, 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 the learned APP for the State.

The petitioner seeks bail in connection with Belhar P.S. Case No. 337 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

From two plastic bags, there is alleged recovery of 78 litres illicit liquor. The prosecution case alleges that police on secret information regarding manufacture of liquor, has come to the place. The petitioner was allegedly fleeing away and has been apprehended.

Learned counsel for the petitioner submits that even as per prosecution case, there is no recovery from the petitioner. The petitioner has been arrested on suspicion, since he was near the place of recovery. Having no antecedent, he is in custody since 11.09.2022. Moreover, investigation is already complete. Recovery is denied and disputed and is stated to be not in accordance with law.



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

Considering the rival submissions, the manner of recovery, clean antecedent of the petitioner, 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 learned Additional District & Sessions Judge-II, Banka, in connection with Belhar P. S. Case No. 337 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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