

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70993 of 2023

Arising Out of PS. Case No.-449 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Rajesh Manjhi Son Of Adalat Manjhi, Birendra R/O Suryapura, P.S.- Bashantpur, Dist.- Siwan
2. Pankaj Kumar Son Of Birju Singh R/O Rasalpur Sohaban, P.S.- Bhagwanpur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Siwan Muffasil (Dhanauti OP) P.S. Case No. 449 of 2023,
lodged on 13.08.2023, under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, FIR has been lodged
against two named accused persons from whom the recovery of
220.180 liters of wine has been shown in the FIR.

4. Learned counsel for the petitioners submits that the
said recovery was made from the Cretta vehicle and petitioners
are neither driver nor Khalasi nor owner of the said vehicle.



Counsel submits that the petitioners have been apprehended by the police only on suspicion. He further submits that the petitioners are in custody since 14.08.2023 having no criminal antecedent.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail 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.II, Siwan, in connection with Siwan Muffasil (Dhanauti OP) P.S. Case No. 449 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

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