

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74392 of 2023

Arising Out of PS. Case No.-306 Year-2023 Thana- KURTHA District- Jehanabad

1. Virendra Manhji @ Birendra Manjhi, Son Of Tulsi Manjhi, R/O Village- Gauhra Tola Chirari Bigha, P.S.- Kurtha, Dist.- Arwal
2. Vinod Manjhi, Son Of Munshi Manjhi, R/O Village- Gauhra Tola Chirari Bigha, P.S.- Kurtha, Dist.- Arwal
3. Vipin Manjhi, Son Of Mahendra Manjhi, R/O Village- Gauhra Tola Chirari Bigha, P.S.- Kurtha, Dist.- Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Kurtha P.S. Case No. 306 of 2023 registered for the alleged offences under Sections 30(a) (b) (c) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received secret information about petitioners storing illicit liquor in their houses. A raid was conducted on the houses of the petitioners and recovery of two litres each country made liquor apart from some manufacturing equipments of illicit liquor were made



from the houses of the petitioners. Further, 600 litres of raw material of Jawa Mahua was also found which was concealed beneath the surface of the house and the same was destroyed during the course of excavation.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are not the owners of the houses from which recovery of illicit liquor or instrument have been shown. The houses in question are joint family properties. There is no compliance of mandatory provision of Section 100 of Cr.P.C. and this shows the prosecution case is doubtful. Petitioners are in custody since 05.09.2023. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioners were found storing illicit liquor in their houses.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners along with their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.-II,



Jehanabad/court concerned, in connection with Kurtha P.S. Case No. 306 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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