

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73345 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- KOTWA District- East Champaran

1. GAMA MANJHI Son of Late Basudeo Manjhi R/V- Machchargaawan, P.S- Kotwa, Dist- East Champaran
2. Harendra Manjhi Son of Shivdhari Manjhi R/V- Machchargaawan, P.S- Kotwa, Dist- East Champaran
3. Sukat Manjhi Son of Ram Bachhan Manjhi R/V- Machchargaawan, P.S- Kotwa, Dist- East Champaran
4. Uttam Manjhi Son of Jimdari Manjhi R/V- Machchargaawan, P.S- Kotwa, Dist- East Champaran
5. Gama Manjhi Son of Late Langar Manjhi R/V- Machchargaawan, P.S- Kotwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Kotwa P.S. Case No. 15 of 2022 for the offence registered under Sections 30(a), (b), (c), 32, 34 and 36 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, the police during patrolling got information and accordingly move to the house of



Bangur Manjhi and from the behind of the said house, it is alleged that six litres country made liquor was recovered. On further investigation, in Machhargawan at Mushartoli, another six litres country made '*chulai*' liquor and two litres '*mahua*' were recovered. Further, from the back of the house of the one of the petitioner herein, Gama Manjhi, 2 litres of '*chulai*' liquor was recovered. Accordingly, the FIR was lodged.

As per the defence, nothing has been recovered/seized from the house rather it is from the back of the house for which the accused persons including the petitioner herein cannot be implicated.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that nothing has been recovered from their conscious possession rather the recovery is from behind the house as also '*Chabutra*', this Court is inclined to grant them privilege of anticipatory bail with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge



Excise, Court No. 1 East Champaran Motihari in connection with Kotwa P.S. Case No. 15 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their 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 bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 their bail bonds;

(vi) the petitioner (s) shall co-operate in the



investigation and made himself available to the police as and
when required;

(Rajiv Roy, J)

Jagdish/Neha/-

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