

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74614 of 2022

Arising Out of PS. Case No.-463 Year-2022 Thana- WAJIRGANJ District- Gaya

Shambhu Manjhi @ Shambhu Sharn Manjhi Son Of Sri Prem Pradip Manjhi
@ Pradip Manjhi R/O Village- Punawan, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner prayed for regular bail in connection with Wazirganj P.S. Case No. 463 of 2022 instituted for the offence under sections 414/34 of IPC and Section 30(a) of Bihar Prohibition and Excise Act.

As per the allegation in FIR, total 120 litres country made liquor contained in two sacks of jute were recovered from the possession of accused which is loaded on the seat of Hero Glamour motorcycle bearing Reg. No. BR02AD-7189. It is further alleged that Engine and Chasis number of the motorcycle is not matched with the motorcycle as per Reg. No.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has committed



no offence. He has falsely been implicated in this case due to high handedness of the police. Petitioner has no concern with the seized country made wine and vehicle nor he is the owner of the alleged vehicle. Nothing any incriminating articles have been recovered from his possession. It is further submitted that the Police have prepared seizure list without independent witnesses which is not proper as per provision of law. The petitioner is languishing in judicial custody since 05.09.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the petitioner was arrested on the spot with the alleged vehicle from where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 10,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Wazirganj P.S. Case No. 463 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Court No.1 Gaya.

The bail bond of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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