

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11903 of 2024**

Arising Out of PS. Case No.-326 Year-2023 Thana- DORIGANJ District-
Saran

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Anish Kumar Manjhi Son of Nagendra Manjhi Resident of Village- Singhi,
Police Station- Doriganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Doriganj P.S. Case No. 326 of 2023 dated 28.10.2023

registered for the offence under Sections 30(a) of the Bihar

Prohibition and Excise Act.

3. As per the F.I.R. and seizure list, altogether

167.37 liters of illicit liquor from an orchard near the temple

of Dukhit Braham Baba.

4. Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits nothing

incriminating, as alleged in the F.I.R., has been recovered



from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list as no independent witness has come forward to support the case seizure. The petitioner is rotting in judicial custody since 29.10.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Doriganj P.S. Case No. 326 of 2023.

8. The trial court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above name petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner shall present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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