

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24839 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- MADHAURAH District- Saran

Pankaj Kumar Manjhi Son of Jamdar Manjhi Resident of Village- Kharauni,
P.S. Marhowrah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-04-2024 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Marhowrah/Madhora P.S. Case No. 356 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition & Excise Act, 2016.

3. As per allegation, 178.53 liter of liquor has been recovered from the shed of the accused.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused on the basis of disclosure made by some local villagers with mala fide intention. He also submits that no any recovery of liquor has been made from the petitioner and except



suspicion, there is no material against the petitioner. Hence, the present anticipatory bail petition is maintainable. He further submits that similarly situated co-accused Naushad Ali @ Naushad Alam has been granted anticipatory bail by this Court vide order dated 30.8.2023 passed in Cr. Misc. 56628 of 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in Paragraph-3 that the petitioner has got clean antecedent.

7. However, the Ld. APP for the State has vehemently opposed the prayer of the Petitioner for bail.

8. In view of the aforesaid facts and circumstances, no *prima facie* case is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise



Judge-2, Saran at Chapra, in connection with Marhowrah/Madhura, P.S. Case No. 356 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

(Jitendra Kumar, J)

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