

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38882 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- JAHANABAD District- Jehanabad

MITHUN MANJHI S/O LATE GARIBAN MANJHI R/O VILLAGE-
UNTTA MADARPUR, P.S- JEHANABAD TOWN, DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jehanabad Town P.S. Case No.241 of 2024 lodged under
section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner against whom there is allegation of
recovery of 20 liter *desi mahua* wine which is subject matter of
the present case.

4. Learned counsel for the petitioner submits that the
petitioners is innocent and has committed no offence. He
submits that the petitioner is a poor person and police has
harassed him and lodged five more criminal cases against him.
He further submits that the recovery has not been made from
conscious possession of the petitioner and he has been falsely



implicated in this case.

5. Counsel for the petitioner submits that petitioner is in custody since 06.04.2024 having five criminal antecedent in which he is on bail in all the cases.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Excise, Jehanabad in connection with Jehanabad Town P.S. Case No.241 of 2024, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- i. Jehanabad P.S. Case No.19 of 2018.
- ii. Jehanabad Town P.S. Case No.231 of 2020.
- iii. Jehanabad Town P.S. Case No.575 of 2020.
- iv. Jehanabad Town P.S. Case no.36 of 2021.
- v. Jehanabad Town P.S. Case No.928 of 2022.

(Dr. Anshuman, J.)

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