

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43874 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- MASAUDHI District- Patna

Arun Kumar @ Arun Manjhi @ Pasia Manjhi S/o Daroga Manjhi @ Late
Birju Manjhi R/o Village-Nadaul Musahari, P.s.-Masaurhi, District-Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Masaurhi P.S. Case No. 335 of 2024 dated 28.04.2024 instituted
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Amendment Act, 2022.

3. Allegation is recovery of total 50 litres illicit
country made *mahua* liquor from the Mushari village situated
east of Nadaul Station.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that the petitioner has been made
accused in this case only on the basis of disclosure made by the
local Chowkidar. Learned counsel for the petitioner further



submits that the petitioner has not been arrested at the spot. No incriminating article has been recovered from the conscious possession of the petitioner or from his house. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Masaurhi P.S. Case No. 335 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise IIIrd, Patna subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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