

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79505 of 2024

Arising Out of PS. Case No.-238 Year-2022 Thana- PHULWARISHARIF District- Patna

Shailesh Manjhi S/O Late Mandeep Manjhi Resident of Village Gobindpur
Laxman Tola, Mushahari, Police station Phulwarisharif, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in a case instituted for the offence punishable under Section 30(a), 30(c), 32(iii), 36 of Bihar Prohibition & Excise Act.

3. As per allegation in the F.I.R., from the hut of petitioner, there is recovery of 40 litres, 30 litres and 21 litres of illicit liquor from the house of petitioner, co-accused Pappu Manjhi and co-accused Krishna Manjhi respectively. In this way there is total recovery of 91 litres of illicit liquor from different places.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged



recovery. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that one of the seizure list witness, namely, Awadhesh Kumar has inimical terms with the petitioner's family and he has taken lead role against the petitioner to drag him in the present case. It is further submitted in para 10 of the petition that the actual state of affair is that the petitioner has no idea or information about such seizure and incorporation of his name in this case by the police due to being resident of Jhoprapatti and petitioner's pakka house is situated nearby the alleged hut from where recovery was made but that does not belong to petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Phulwarisharif P.S. Case no. 238 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each



to the satisfaction of learned Special judge, Excise Act 1st.
Patna, subject to the conditions as laid down under section
438(2) of the Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the
petitioner.

(ii) Petitioner shall co-operate in the trial and shall be
present on each and every fixed date and on his absence on two
consecutive dates without sufficient reason, his bail bonds shall
be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or
threatens the witness, in that case, the prosecution will be at
liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar
nature after enlargement on bail, his bail bonds may be
cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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