

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80181 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- BIKRAM District- Patna

Diwakar Manjhi Son of Lal Mohan Manjhi Resident of Village- Sundarpur,
P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyam Kishore, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Special Excise Case No. 3317of 2024 arising out of Bikram P.S. Case No. 403 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 23.09.2024 by the informant, Mithlesh Kumar .

3. As per the prosecution story, the informant intercepted a motorcycle and from the bag there is recovery/seizure of 30 litres country made liquor which led to FIR/arrest.

4. It is the case of the petitioner that though he owns the motorcycle, the bag from which the recovery has been made has been shown to be in possession of the petitioner by the police only because there was scuffle with them, he do not have criminal antecedent and is in custody since 24.09.2024 (para-4



of the petition) and if granted bail, he will be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that he owns the motorcycle.

6. Considering the aforesaid submissions put forward by the parties as also the fact there is recovery of 30 liters of country made liquor from the bag which the petitioner disowns, is in custody since 24.09.2024 having no criminal antecedent and an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Special Excise Case No. 3317 of 2024/Bikram P.S. Case No. 403 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

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