

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82876 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- SITAMARHI District- Nawada

Mahendra Manjhi S/o Briksh Manjhi R/o Village- Kopin, P.S- Sitamarhi,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sitamarhi P.S. Case No. 98 of 2024 for the offence punishable under Sections 30(a)/37(C) of the Bihar Prohibition and Excise Act lodged on 21.09.2024 by the informant, Binod Kumar Singh.

3. As per the prosecution story, the informant alleged that on secret information, the house of the petitioner was raided and there is recovery/seizure of 126 liters of country made liquor. This led to the FIR, arrest.

4. It is the case of the petitioner that recovery/seizure is from the joint house, nothing was recovered from his conscious possession and is in custody since 22.09.2024 having no criminal antecedent.



5. Learned APP opposes the prayer submitting that there is recovery from the house.

6. Considering the aforesaid submission put forward by the parties as also the fact that the petitioner do not have criminal antecedent and is in custody since 22.09.2024, 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 Exclusive Special Excise Court-1, Nawada, in connection with Sitamarhi P.S. Case No. 98 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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