

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81423 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- BAHADURPUR District- Patna

PRAKASH MANJHI Son of Shambhu Manjhi R/o Mohalla - Bahadurpur
Musahari, P.S. - Bahadurpur, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 213/2022 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged
recovery of 144 liters country made *mahua* liquor from the
house of co-accused Ramkaliya Devi. Apprehended co-accused
Niraj Kumar disclosed the name of petitioner and others who
were involved in the business of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Except confessional statement of co-accused, there is



nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 20.06.2023 and bears criminal antecedent of two cases. He further submits that the petitioner was not concerned with the alleged seized liquor. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation co-accused Monu Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.72312/2022 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge,
Excise, Patna City, Patna in connection with Bahadurpur P.S.
Case No. 213/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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