

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82091 of 2024

Arising Out of PS. Case No.-718 Year-2024 Thana- Excise P.S. District- Nawada

Babulal Manjhi S/o- Gaurishankar Manjhi @ Gauri Manjhi Resident of
Village- Choukiya, P.S.- Parnadabar, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the APP : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Nawada Excise P.S. Case No. 718 of 2024 for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, lodged on 14.10.2024 by the informant, Ajay Kumar Singh.

3. As per the prosecution story, the informant alleged that during course of patrolling, upon secret information, two motorcycles were intercepted and there is recovery/seizure of 90 liters toddy from the first motorcycle while 10.500 liters of country made liquor, this led to the F.I.R.

4. Learned counsel for the petitioner submits that both the motorcycles does not belong to him nor anything has been recovered from his conscious possession, has no criminal



antecedent and is in custody since 15.10.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that petitioner do not have criminal antecedent and both the motorcycle does not belong to him, this Court is inclined to extend him the privilege of bail. However, if it is found that the petitioner has criminal antecedent, the present bail order shall become infructuous.

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 Judge, Exdise-2, Nawada in connection with Nawada Excise P.S. Case No. 718 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 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 now 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 bail bonds.

(Rajiv Roy, J)

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