

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3214 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- ATRI District- Gaya

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1. Hiro Manjhi @HERO Manjhi @HERA Manjhi @HIRA Manjhi S/O Late Ganpati Manjhi R/O Village-Barbigaha, P.S.-ATRI, District-Gaya.
 2. Pappu Manjhi S/O Shiva Manjhi R/O Village-Bajara, P.S.-Hisua, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Atri P.S. Case No. 409/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 220 liters country made *Mahua* liquor from the house of petitioner no.1 and petitioner no.2 was son-in-law of the petitioner no.1 and they were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 29.08.2023 and bear no criminal antecedent. He further submits that the petitioners were not in any way connected with the alleged occurrence and alleged recovery was made from the joint house of the petitioner no.1. Petitioner no.2 had come to his Sasural to see in-laws and both apprehended on the spot merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioners were not concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum Exclusive Special Excise Court No.01, Gaya in connection with Atri P.S. Case No. 409/2023, 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) Petitioners 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 petitioners tamper 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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