

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2719 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- BARAULI District- Gopalganj

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Pankaj Manjhi Son Of Parma Manjhi Village -Kahla, P.S.- Barauli, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

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

2. The petitioner seeks regular bail in connection with Barauli P.S. Case No. 342 of 2023 dated 18.08.2023, lodged under Section 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the F.I.R. has been lodged against two named accused persons including the present petitioner and the total recovery of 130 litre foreign liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the seizure list, it transpires that 120 litre have been recovered from the gas shop of co-accused and 10 litre have

been recovered from the bush. Nothing have been recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 25.11.2023 having five criminal cases pending against him.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and all cases are relating to Excise Act itself.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **(only after framing of charge and upon verification by the Court that petitioner is not absconding in any case)** on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Barauli P.S. Case No. 342 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

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

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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