

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89413 of 2024**

Arising Out of PS. Case No.-49 Year-2021 Thana- GAURICHAK District- Patna

1. Most. Sonua Devi @ Most. Sonu Devi @ Sonua Devi Daughter of Bashu @ Base Manjhi @ Vasu Manjhi Resident of Village - Lanka Kachhuara Musahari, P.S. - Gaurichak, District - Patna
2. Dharmdeo Manjhi @ Dharmdev Manjhi @ Dharmendra Manjhi son of Late Shivji Manjhi @ Sibi Manjhi Resident of Village - Lanka Kachhuara Musahari, P.S. - Gaurichak, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyamal Prakash, Advocate  
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      08-01-2025                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Special Case No. 1040 of 2021 arising out of Gaurichak P.S. Case No. 49 of 2021 dated 10.02.2021 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation is of recovery of 17.5 litres country made Mahua liquor from the Bamboo clamp situated beside road.

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



this case. It is further submitted that nothing has been recovered either from the conscious possession or from the house of the petitioners rather the same has been recovered from bamboo clamp, which is an open place and accessible to all. It is further submitted that the bamboo clamp does not belong to the petitioners. Lastly, it has been submitted that petitioners have one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Special Case No. 1040 of 2021 arising out of Gaurichak P.S. Case No. 49 of 2021, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse. Special Case No. 1040 of 2021 arising out of Gaurichak P.S. Case No. 49 of 2021

4. 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.

**(Khatim Reza, J)**

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