

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87310 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- BAHADURPUR District- Patna

Shambhu Manjhi S/o Lagan Manjhi @ Ram Lagan Manjhi R/o Mohalla -
Bahadurpur Musahari, P.s. - Bahadurpur, distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 290 of 2023 instituted for the
offences under Sections 30(a), 32(ii)(iii), 36 of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 480 liters of illicit country-made *Mahua* liquor from a
tempo bearing Regd. No. BR01GA-4943 kept in 12 bags.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is neither owner nor driver of the seized Tempo



rather was just a passenger in the alleged vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the recovered liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has altogether seventeen (17) criminal antecedents out of which fifteen cases are of similar nature of offence and is languishing in judicial custody since 02.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahadurpur P.S. Case No. 290 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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