

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1889 of 2023**

Arising Out of PS. Case No.-50 Year-2023 Thana- DIGHA District- Patna

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Kallu Manjhi, S/O Shanichar Manjhi, Resident of Village- Ramjeechak, P.S.-
Digha, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Choudhary, Adv.

For the Respondent/s : Mr. M. Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 04-12-2023

Re :- I.A. No. 01 of 2023

1. Learned counsel for the appellant/applicant presses I.A. No. 01 of 2023, seeking condonation of delay of 31 days in preferring this appeal.

2. Having considered the submissions made by learned counsel for the appellant and also taking into account the avertments made in the limitation petition i.e. I.A. No. 01 of 2023, the delay having taken place in filing this appeal on the part of the appellant is hereby condoned.

3. In result, I.A. No. 01 of 2023 stands allowed.

Cr. APP(SJ) No. 1889 of 2023

4. As the instant appeal is defect free, hence learned counsel for the appellant is heard on the point of admission and the prayer for bail made by the appellant in the memo of appeal under Section 389(1) of Cr.P.C.



5. Admit.

6. Call for LCR in connection with Digha P.S. Case No. 50 of 2023 from the Court of learned Special Judge, Excise, Patna Sadar, Patna.

7. This appeal has been preferred against the judgment of conviction and order of sentence dated 20.01.2023 passed by the Court of learned Special Judge, Excise, Patna Sadar, Patna, in connection with Digha P.S. Case No. 50 of 2023, whereby and whereunder the appellant has been convicted for the offence punishable under Section 37 of the Bihar Prohibition and Excise Act and sentenced for the said offence.

8. The main submissions advanced by learned counsel for the appellant are that the maximum punishment of simple imprisonment awarded upon the appellant is one year for the offence punishable under Section 37 of Bihar Prohibition and Excise Act against which the appellant has undergone ten months and fourteen days in jail and there is no chance of early hearing of his appeal. Further submission is that the entire proceedings in the trial of the appellant before the trial court were completed in hasty manner and the appellant has challenged his conviction mainly on the ground of legality of his conviction and sentence.



9. Learned APP appearing for the State has opposed the bail prayer.

10. Considering the above submissions and mainly the period of custody undergone by the appellant and also, the fact that there is no chance of early hearing of his appeal, in the opinion of this court, the appellant deserves to be released on bail during pendency of this appeal. Accordingly, let the appellant named-above be enlarged on bail during the pendency of this appeal on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna Sadar, Patna, in connection with Digha P.S. Case No. 50 of 2023.

11. List this appeal under appropriate heading in due course.

(Shailendra Singh, J)

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