

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35458 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -AWTARNAGAR District- SARAN

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1. Majindra Manjhi Son of Dukhharan Manjhi Resident of Village-
Muroudpur, P.S Awatar, Nagar, Dist Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-09-2016 Heard the Counsel for the petitioner and Mr. M.

Dayal, APP for the State.

Petitioner is facing prosecution under Section 47 of
the Excise Act vide Awtar Nagar P.S. Case No. 113 of 2016.

On information given by the Excise Department, the
informant went to the house of the petitioner and recovered five
litres of country made liquor from his house. Seeing the Police, it
is alleged that the petitioner managed to escape.

Contention of the petitioner is that actually the
liquor was recovered from the nearby temple but the recovery was
shown from the house of the petitioner at the behest of persons
inimical to the petitioner. Recovery was not from his conscious
possession.

Learned APP opposed the prayer and contended that the allegation is of recovery of 5 litres of country made liquor from the house inasmuch as seeing the police the petitioner fled away.

Looking to the allegation and the materials placed on record, I do not think it a fit case for grant of bail. Prayer is rejected.

(Kishore Kumar Mandal, J)

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