

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9182 of 2018

Arising Out of PS. Case No.-179 Year-2017 Thana- BUNIADGANJ District- Gaya

Dharmendra Manjhi @ Dhamendra Manjhi S/o Folatan Manjhi, R/o Village-
Suryapokhar Bhuintoli, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. PRADEEP NARAIN KUMAR

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Buniyadganj P.S. Case No. 179 of 2017 registered for the offence punishable under Sections 30(a), 37(c) (d) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 30 litres of illicit Mahua wine from three houses and as far as the petitioner is concerned, 10 litres of illicit Mahua wine was recovered from his house.

The learned counsel for the petitioner submits that in fact neither any recovery has been made from the conscious possession of the petitioner nor the provisions of Section 100 Cr.P.C. has been complied with while preparing the seizure list,



hence the entire seizure is vitiated. It is submitted that as on the date of lodging of the present FIR, the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Buniyadganj P.S. Case No. 179 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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