

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9605 of 2018**

Arising Out of PS.Case No. -617 Year- 2017 Thana -BODHGAYA District- GAYA

=====

Bhushan Manjhi S/o Late Sadhu Manjhi, R/o Village- Mastipura, P.S.-  
Bodh Gaya, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Surendra Kumar

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**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 Bodhgaya P.S. Case No. 617 of 2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) and 30(d) of the Bihar Excise Prohibition (Amendment) Act, 2016.

The allegation is regarding recovery of 10 liters of illicit Mahua liquor said to be recovered from the house of the petitioner and the other co-accused persons.

The learned counsel for the petitioner submits that 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 seizing the articles, hence the seizure itself is doubtful. The petitioner is said to be 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 Judge (Excise), Gaya in connection with Bodh Gaya P.S. Case No. 617 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

S.Sb/-

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