

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11195 of 2018**

Arising Out of PS.Case No. -194 Year- 2017 Thana -BUNIADGANJ District- GAYA

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1. Sethi Manjhi, Son of Chhoten Manjhi,  
2. Krishna Manjhi, Son of Ramatar Manjhi @ Rambarat Manjhi, Both  
resident of Village- Suraj Pokhar Bhuiyan Toli, P.S.- Buniyadganj, District-  
Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Shailendra Kumar -1

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      27-02-2018                      Heard the learned counsel for the petitioners and the  
  
learned counsel for the State.

The petitioners seek anticipatory bail in connection  
with Buniyadganj PS case no. 194 of 2017 registered for the  
offences punishable under Sections 30(a) and 37(c) (d) of the  
Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 10 liters of  
illicit liquor from petitioner no.1 and 8 liters from the house of  
petitioner no.2.

The learned counsel for the petitioner submits that no  
recovery has been effected from the conscious possession of the  
petitioners herein and, in fact, the provision of Section 100 Cr.  
P.C. has not been complied with, hence the entire seizure list is



vitiated.

Considering the nature of accusation levelled against the petitioners herein as also 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 petitioners herein to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Gaya in connection with Buniyadganj PS case no. 194 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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