

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12009 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- BAHADURPUR District- Patna

AJAY MANJHI @ MAINA, Son of Wakil Manjhi, Resident of Mohalla -
Bahadurpur Mushahari, P.S. Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.301.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the bag of the petitioner, 14 litres of India made foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. It is further submitted that the FIR also does not reflect that the sample of the seized material has been sent for its chemical examination to the FSL. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the quantity of recovery, the period under custody and in view the fact that there is nothing on record to suggest that the sample of seized material has been transmitted to FSL for its chemical examination coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna, in connection with Special Case No. 982 of 2019, arising out of Bahadurpur P.S. Case No.16 of 2019.

(Dinesh Kumar Singh, J)

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