

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65682 of 2019

Arising Out of PS. Case No.-488 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Sham Manjhi @ SAMA MANJHI S/o Late Bangali Manjhi R/o village- Usri
Bhagalpur, 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. Vinod Kumar

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 05-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the written report of A.S.I., Excise, Muffasil – cum – Wajirganj- cum – Fatehpur, Circle, Gaya, submitted to the A.D.J.-V – cum – Special Court, Excise, Gaya, is to the effect that on the basis of secret information, 20 litres of country made liquor and 300



litres of mahua liquor has been recovered from an open area. Subsequently, during investigation, it was transpired that this petitioner runs the unit of illicit liquor and the recovered liquor belongs to him.

It is submitted by the learned counsel for the petitioner that admittedly, the said recovery has been made from an open area, hence, it cannot be treated to be made from the conscious physical possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned counsel for the State that the said recovery has been made from the possession of the petitioner.

Considering the recovery being made from an open area and the statement being 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Excise Case No. 488 of 2019 subject to



the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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