

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85537 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- KONCH District- Gaya

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Santosh Manjhi Son of Subedar Manjhi @ Suvedar Manjhi Resident of
Village - Shahganj, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Konch P.S. Case No. 304 of 2019 for the offence registered
under Section 30(A) of the Bihar Prohibition and Excise Act,
2018 and Sections 25(1-b)a and 26 of the Arms Act.

The allegation is regarding recovery of two litres of
illicit wine, one country made pistol and one misfired cartridge
from the house of the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present case
and he is having a clean antecedent.

Having regard to the facts and circumstances of the
case and considering the submissions of the learned counsel for



the petitioner, this Court is of the view that since the recovery of illicit liquor has been made from the house of the petitioner, the present petition is not maintainable in view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, hence the present petition stands dismissed. However, in case the petitioner surrenders before the learned court below within a period of four weeks from today, the learned court of Special Judge, Excise, Gaya shall consider and dispose off the case of the petitioner for grant of regular bail in connection with Konch P.S. Case No. 304 of 2019, on the very same day considering the fact that the petitioner is having a clean antecedent and meager quantity of liquor has been recovered from his possession.

With the aforesaid observations and directions, the present petition stands disposed off.

(Mohit Kumar Shah, J)

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