

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85816 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- MIRGANJ District- Gopalganj

Vishal Manjhi Son of Nathuni Manjhi Resident of Village - Balesar Tola,
Jalulehata, P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar, Advocate Mr. Vyas Kumar Mishra, Advocaes
For the Opposite Party/s :		Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 28.11.2019 in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Munna Kumar, Assistant Sub-Inspector of Police, Mirganj Police Station submitted to the Station House Officer, Mirganj Police Station is to the effect that from a ditch at the road side 547.020 litres of Indian Made Foreign Liquor were recovered. Four persons escaped from the scene, however, on confession of co-accused name of the petitioner sprang up.



It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and similarly situated co-accused Amit Kumar Yadav, Faisal Ansari and Dipak Yadav have been granted bail by different Co-ordinate benches of this Court vide Cr. Misc. Nos. 85923 of 2019 and 385 of 2020. Petitioner is accused in two other cases of similar nature but he is on bail in those cases.

Learned APP submits that the name of the petitioner sprang up on the confession of the co-accused persons.

Considering the fact that the seizure has been made by Assistant Sub-Inspector of Police who is not authorized under Section 73(e) of Bihar Prohibition and Excise Act, 2016 and the recovery has not been made from conscious physical possession of the petitioner, 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 Additional District & Sessions Judge-II -cum- Special Judge, Excise, Gopalganj in connection with Mirganj P.S. Case No. 268 of 2019.

(Dinesh Kumar Singh, J)

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