

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11076 of 2022**

Arising Out of PS. Case No.-212 Year-2021 Thana- WARISLIGANJ District- Nawada

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PARMESHWAR MANJHI @ PRAMESHWAR MANJHI @ PRAMESHAR
MANJHI Son of Late Faguni Manjhi Resident of Village - Barnama
Mushahari, P.s.- Warisaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Warisaliganj P.S. Case No. 212 of 2021 registered for the
offence under Section 30(a)(d) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.12.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, where, recovery of 5 litres of
country made illicit liquor and 450 litres of semi prepared



Mahula illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from the house of the petitioner, which is jointly occupied with the family members of the petitioner, as such, it cannot be said that the recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is a man of clean antecedent. It has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that seizure list is also disputed as same has not been supported by independent witness.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has been made from the house of the petitioner, which is jointly occupied by the family members and it cannot be said that the recovery has been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let



the petitioner, above named, is directed to be released on bail in connection with Warisaliganj P.S. Case No. 212 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court II, Nawada, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Lakshaminiya Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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