

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28533 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- MAJHAULIA District- West Champaran

Mangani Dhanger @ Mangani Mahto S/o- Late Rajweer Dhanger Resident of
Village - Bakharia Dhanger Toli, Ward No. 12, P.S. Majhauria, District - West
Champaran, Bettiah.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Majhauria
P.S. Case No. 23 of 2021 registered for the offence under
Sections 30(a) of the Bihar Excise Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 132 litres IMFL.



Learned counsel appearing on behalf of the petitioner submitted that the recovery is made from the open place like bush, developed in open field near to National Highway. It is submitted that the petitioner is a man of clean antecedent and it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery is made from open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from the open place coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Majhulia P.S. Case No. 23 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 Judge Excise, Bettiah, West Champaran/concerned court, subject to the conditions as



mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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