

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28635 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

1. SUMITRA DEVI WIFE OF NAGINA MANJHI R/O VILLAGE-KUSHHAR MUSHARI TOLA, P.S.- TARIYANI, DISTRICT- SHEOHAR
2. LALBABU MANJHI SON OF KALI MANJHI @ KARI MANJHI R/O VILLAGE- KUSHHAR MUSHARI TOLA, P.S.- TARIYANI, DISTRICT- SHEOHAR
3. SHOBHA DEVI WIFE OF BHAROSI MANJHI R/O VILLAGE-KUSHHAR MUSHARI TOLA, P.S.- TARIYANI, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Tariyani
P.S. Case No. 269 of 2021 registered for the offence under
Section 30(a), 30(b) and 30(c) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and is
in custody since 25.02.2022.

The allegation against the petitioners are in possession



of 345 liters of IMFL.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of illicit liquor was made from Middle School of Mushhari Tola, which is a public place accessible by all. It is also submitted that name of the petitioners surfaced on the basis of spy and local chawkidar and in furtherance thereof nothing incriminating surfaced or illicit liquor recovered from the conscious physical possession of the petitioners during the course of investigation, for which charge-sheet has been submitted. Petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from public place like school in terms of seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, is directed to be released on bail in connection with Tariyani P.S. Case No. 269 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 2nd Additional



Sessions Judge-cum-Special Judge, Excise, Sheohar/concerned
Court, subject to the following conditions as mentioned under
Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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