

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29281 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- AMNAUR District- Saran

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Ashwani Kumar Manjhi Son of Tarkeshwar Manjhi Resident of Village -
Pokhar Bhinda, P.s.- Kopa, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. APP

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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.

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

The petitioner seeks bail in connection with Amnour P.S.
Case No. 102 of 2022 registered for the offence under Section 272
and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.04.2022.

The allegation against the petitioner is to have in
possession of 305 liters of country made liquor, which was recovered
from a Motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of illicit liquor was made from jointly



occupied house and motorcycle of the petitioner and, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioner. It is also submitted that the petitioner is a man of clean antecedent While concluding the argument, it is submitted that investigation in this case is completed for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from the house and motorcycle of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amnour P.S. Case No. 102 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran at Chapra City/concerned Court, subject to the following conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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