

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31684 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- PHULWARISHARIF District- Patna

Akhilesh Manjhi, Son Of Late Shiv Sharan Manjhi Resident Of Village -
Kurkuri, Police Station - Fulwari Sharif, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 40 litre of liquor and 100 litre of raw mahua which was destroyed at the spot from the house of the petitioner.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that the alleged recovery is not from the house, but from the place outside the house which is a shed. It is next submitted that there is violation of Section 62 of the Excise Act. The learned counsel next submits that



the name of the petitioner transpired on the confessional statement of co-accused Sadhu Manjhi. This amply demonstrates that the alleged recovery was not from the house of the petitioner or else. There was no occasion for the petitioner to get implicated based on confessional statement.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Fulwari Sharif P. S. Case No.14 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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