

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36457 of 2022**

Arising Out of PS. Case No.-171 Year-2022 Thana- JAHANABAD District- Jehanabad

BIDESHI MANJHI SON OF LATE PARSADI MANJHI R/O VILLAGE-
SIKARIYA, P.S.- JEHANABAD (KARAUNA O.P.), DISTRICT-
JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Digvijay Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 20 liters liquor and 200 liters of java mahua from the petitioner's house.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that the officials of the Excise Department in a



mechanical manner proceeded to implicate the innocent petitioner even without holding proper inquiry with respect to the ownership of the house, it is next submitted that house from which alleged recovery is alleged is a joint family property and when so many family members are residing in the house then how come only petitioner came to be implicated which amply demonstrates that the said recovery was not from the house but was from a place near the house of the petitioner but in the F.I.R. it was shown that recovery was made from the house of the petitioner. It is further submitted that from perusal of the seizure list it would manifest that the same is in complete breach of the Section 62 of the Excise Act which further demolishes the case of prosecution.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Jehanabad (Karanua
O.P.) P.S. Case No. 171 of 2022 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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