

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49106 of 2021**

Arising Out of PS. Case No.-343 Year-2021 Thana- MASHRAK District- Saran

=====

Vishal Manjhi, aged about 55 years, Male Son of Late Biran Manjhi, Resident of Village - Dumduma, P.S.- Mashrakh, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

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

For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

ORAL ORDER

2      15-02-2022                      Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Mashrakh P.S. Case No. 343 of 2021 instituted for the offences punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the recovery of liquor has been found from the half constructed behind the house of the petitioner. Learned counsel submits that it is open place and the recovery cannot be attributed to the petitioner nor it can be said that the petitioner was having ownership of the said area.

Considering this aspect, this Court *prima facie* finds that no case under Section 30 (a) of the Act is to be made out, I

am inclined to allow the petitioner on bail, in the event of arrest  
he shall be released on anticipatory bail, subject to the  
conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sanjeev Prakash Sharma, J)**

Anand Kr.

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