

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40952 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- NAUBATPUR District- Patna

MANOJ MANJHI Son of Adalat Manjhi Resident of Village - Pitwas
Mushari, P.s.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishore, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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
Naubatpur P.S. Case No. 329 of 2022 registered for the offence
under Sections 30(a)/41 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 19 litres of IMFL/country made liquor from the



house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of the petitioner, which is jointly occupied by other family members and, as such, it cannot be said to be recovered from the physical possession of the petitioner. It is also submitted that seizure list is not supported by independent witnesses which appears to be violation of Section 100 (4) of the Cr.P.C. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor cannot be said to be made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naubatpur P.S. Case No. 329 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 the Special Judge, Excise, Danapur,
Patna/concerned court, subject to the conditions as mentioned
under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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