

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3258 of 2021**

Arising Out of PS. Case No.-46 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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MUNESHWAR MANJHI Son of Ram Prasad Manjhi, Resident of Village -
Raipatti, P.S.- Dighwara, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh 1, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 17-01-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video
conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection with
Excise Case No. 46 of 2013 registered for the offence
punishable under section 47 (a) and 47 (f) of the Bihar
Prohibition and Excise Act.

At the very outset, the learned counsel for the
petitioner has submitted that the present case relates to old
Excise Act, as such, section 76 (2) of the Bihar Prohibition and



Excise Act, 2016 is not applicable.

On perusal of prosecution report, it transpires that Sub Inspector of Excise Department along with police personnel raided and 3000 kilogram fermented mahua and 250 litres of raw materials were recovered.

In column 7 of the seizure list, it has been mentioned that these incriminated articles were recovered from the hut of the present petitioner.

Considering the incriminating materials, specially huge quantity recovered articles, it is not a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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