

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54537 of 2022

Arising Out of PS. Case No.-499 Year-2022 Thana- BARACHATTI District- Gaya

DHARMENDER MANDAL @ DHARMENDER MANJHI Son of Gujal
Manjhi @ Gujjar Manjhi R/V- Ghirsindi Kala, P.S- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

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

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 15 litres jawa mahua solution from the southern part of petitioner's house which was covered with hay, further 30 litres java mahua solution from a container which was hidden in a ditch made in the northern side of the petitioner's courtyard as such total recovery is of 45 litres.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession, it is next submitted that even the alleged recovery is from a house which is a joint family property and as such it cannot be alleged that petitioner was completely aware that java mahua solution was kept in the house when admittedly the petitioner is a person with clean antecedent.

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. 1,000/- (Rupees One 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 Barachatty P.S. Case No. 499 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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