

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54912 of 2022

Arising Out of PS. Case No.-838 Year-2021 Thana- GARKHA District- Saran

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1. Amarnath Manjhi Son of Harendra Manjhi Resident of Garkha, P.S.- Garkha, District- Saran
 2. Harendra Manjhi Son of Bhageran Manjhi Resident of Garkha, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Garkha P.S. Case No. 838 of 2021 registered for the offence under Sections 30(a), 36 and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R., where petitioner no.1 is in custody since 16.06.2022 and petitioner no.2 is in custody since 13.07.2022.



The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 825 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that 670 litres out of 825 litres of illicit liquor was alleged to be recovered from the house of the petitioner no. 2, which is jointly occupied by other family members and, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of this petitioner. It is further submitted that both the petitioners neither owner nor the driver or not connected in any manner with seized vehicle from where illicit liquor was recovered. It is also submitted that compliance of Section 100(4) of the Cr.P.C. was not made in this case. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in



connection with Garkha P.S. Case No. 838 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-1st Exclusive Special Judge, Excise, Chapra, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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