

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64673 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- PATAHI District- East Champaran

Dilip Manjhi @ Dilip Kumar S/O Late Dukhan Manjhi R/O Village-
Nonfarwa, P.S- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjana Srivastava, Advocate
For the State	:	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP 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 petitioner seeks bail in connection with Patahi P.S. Case No. 56 of 2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 22.05.2022.

The allegation against the petitioner is to be involved



in illegal manufacturing and trading of illicit liquor, where 345 liters of semi prepared liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made behind the house of the petitioner, which is an open place, accessibly by general public and, as such, it can be said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by local chowkidar. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patahi P.S. Case No. 56 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 learned Special Judge,
Exclusive Excise Court No.2, East Champaran,
Motihari/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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