

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39919 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- BODHGAYA District- Gaya

Shisha Manjhi, aged about 33 years, Male, Son of Late Naresh Manjhi,
Resident of village - Dhanawan, P.S. - Bodhgaya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Anil Kumar Saxena, learned counsel
appearing on behalf of the petitioner and Mrs. Veena Kumari
Jaiswal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bodhgaya P.S. Case No. 200 of 2023 dated 23.02.2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 2 litres of country-
made liquor from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered



from the conscious possession of the petitioner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that only two litres of country-made liquor was recovered from the house of the petitioner. Nothing has been recovered from the conscious possession of the petitioner and petitioner has no criminal antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Bodhgaya P.S. Case No. 200 of 2023 dated 23.02.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of



the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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