

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41545 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- DANAPUR District- Patna

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Madan Manjhi Son Of Ram Prasad Manjhi @ Prasad Manjhi Resident Of
Village Saguna More Musahari, Ps- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Danapur P.S. Case No. 218 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.02.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 100 litres of IMFL/country made liquor



from the jointly occupied house of petitioner.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from jointly occupied house of this petitioner and as such it can be said safely that recovery not appears to be made from conscious physical possession of this petitioner. It is submitted that compliance of Section of 100(4) of the Cr.P.C. not appears to be followed in present case regarding search of premises. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor appears to be made from jointly occupied house of this petitioner coupled with the fact charge-sheet has already submitted, where petitioner is in custody since 15.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Danapur P.S. Case No. 218 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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