

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41921 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- BEUR District- Patna

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1. Ram Janam Manjhi Son of Nagina Manjhi Resident of Village- Hasanpura Mushahri, Ps- Beur, District- Patna
 2. Manoj Manjhi Son of Kedar Manjhi Resident of Village- Hasanpura Mushahri, Ps- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the

petitioners 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 petitioners seek bail in connection with
Special Case No. 4236/2023 arising out of Beur P.S. Case No.
344 of 2023 registered for the offence under Section 30(a)/37 of
the Bihar Prohibition and Excise Act.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 15.05.2023.

5. The allegation against the petitioners is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 94 litres of IMFL/country made liquor from pan (local canal).

6. Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery of illicit liquor was made from open area like pan (local canal), which is accessible by general public and as such it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of petitioners. While concluding the argument, it has been submitted that both petitioners found involved in one more criminal case, where they are on bail.

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 alleged recovery of illicit liquor was made from an open area, where both petitioners are in custody since 15.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Special Case No. 4236/2023 arising out of Beur P.S. Case No. 344 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 Judge, Excise 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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