

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53123 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SIKTA District- West Champaran

Teja Manjhi, Son Of Late Chandar Manjhi, Resident Of Village- Chhapainiya,
P.S.- Sikta, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Sikta P.S. Case No. 30 of 2023, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition & Excise Act.

3. Allegedly 4 litres of country made liquor kept in a gallon was recovered beside the house of the petitioner, which was kept under the leaves of sugar cane crop.

4. Learned counsel appearing on behalf of the petitioner submits that even as per the FIR as well as the seizure list, it appears that the alleged recovery has been made not from the house of the petitioner rather it was kept under the leaves of



sugar cane crop near the house of the petitioner so it is easily accessible to all and, as such, the petitioner cannot be held responsible for the same. He further submits that admittedly nothing has been recovered from the whereabouts of the petitioner and save and except the disclosure made by the local *chaukidar*, there is no other material suggesting the complicity of the petitioner. That apart, he is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation/trial.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made beside the house of the petitioner, which is easily accessible to all, coupled with his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Sikta P.S. Case No.



30 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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