

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58925 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- THAWE District- Gopalganj

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1. Shampati Devi @ Sampatiya Devi W/O Manoj Kumar Manjhi @ Chanash Manjhi R/O Village- Bhusaw Dera , Ps. Thawe, Dist. Gopalganj
 2. Chanash Manjhi @ Manoj Kumar Manjhi S/O Shyam Dev Manjhi R/O Village- Bhusaw Dera , Ps. Thawe, Dist. Gopalganj
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution, the total recovery of 85 liter desi wine is the subject matter of the present case which has been recovered in a bush situated in front of the house of the petitioners.

4. Counsel for the petitioners submits that petitioners are neither apprehended from the place of occurrence nor anything has been recovered from their possession.

5. Counsel further submits that antecedent of petitioner no.1 is clean whereas there is one criminal antecedent of petitioner no.2 in which he is on bail.

6. Counsel also submits that the said recovery has been made from a bush which is public place. Counsel further submits that petitioners are law abiding citizens and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

7. Learned APP for the State opposes the prayer for bail, but admits that recovery was neither made from the possession of the petitioners nor petitioners were apprehended, but their names have come in this case by virtue of disclosure of *Chowkidar* only.

8. In the present facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II -cum- Special Judge Excise Court No.-I, Gopalganj in connection with Thawe P. S. Case No.210 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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