

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65908 of 2023

Arising Out of PS. Case No.-366 Year-2023 Thana- MASHRAK District- Saran

Sandeep Kumar Manjhi @ Bhikari Manjhi @ Bhikhari Son of Late Thakur Manjhi R/o vill - Chand Kudariya, P.S. - Mashrak, Distt. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of to 100 liters of spirit from a bamboo clamp situated beside the house of the petitioner and petitioner was arrested on the spot.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicions. He has no concern with the alleged recovery of spirit or with the said bamboo clamp. No any incriminating article has been recovered from his conscious



possession nor from his house. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner is languishing in judicial custody since 11.07.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Mashrak P.S. Case No. 366 of 2023.

(Sunil Kumar Panwar, J)

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