

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70328 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- ATRI District- Gaya

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Samani Manjhi @ Samani Devi @ Saroj Devi (Age- 40 Years, Gender- Male), Wife of Saman Manjhi, Resident of Village - Teusi, P.S. - Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Gajendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Gauri Shankar

Gupta, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Atri P.S. Case No. 367 of 2023 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act as amended up-to-date.

3. Allegation is of recovery of 5 litres of country made
liquor from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has



no concern with the alleged seized liquor. Recovery was made from an open place, which was easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, nothing has been recovered from the conscious possession of the petitioner. Recovery was made from an open place, which was easily accessible to anyone. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 1, Gaya, in connection with Atri P.S. Case No. 367 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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