

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6273 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- JAHANABAD District- Jehanabad

Mohan Manjhi S/O LATE TETAR MANJHI RESIDENT OF BABHNA
WARD NO. 2, SIGHADI PAR PS. AND DIST. JEHANABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Jehanabad Town P.S. Case No.10/2023 registered for the
offence punishable under Sections 30(a)(c) of Bihar Prohibition
and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and an allegation is of
recovery of 80 litres of liquor out of which 30 litres is said to
have been recovered from the house of the petitioner. It is next
submitted that the petitioner was not arrested from the spot as
such nothing was recovered from his conscious possession. It is
next submitted that the house is a joint family property as such it
cannot be alleged with certainty that it was the petitioner who



had kept the liquor in the house. It is next submitted that the after 2018 amendment of the Excise Act, the concept of deemed possession and presumed offender has been done away with.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Jehanabad in connection with Jehanabad Town P.S. Case No.10/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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