

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38622 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- MANJHI District- Saran

Neeraj Kumar Sah @ Neeraj Sah, son of Hare Ram Sah @ Bengali Sah, R/O -
Village- Tajpur, P.S- Manjhi, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Manjhi P.S. Case No. 318 of 2023 for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 40 liters country made liquor was made from the backyard of the house of the petitioner when a raid was conducted on information that the petitioner has stored liquor behind his house.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. From the FIR, it is



evident that recovery has been made from the back of the house of the petitioner which is an open place. There has been no compliance of provisions of Section 100 Cr.P.C. The petitioner is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and the recovery has been shown from an open place and further considering the possibility of false implication and clean antecedent of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Manjhi P.S. Case No. 318 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each
and every date fixed by the below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

