

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40535 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- BIKRAM District- Patna

Sahdeo Manjhi Son of Late Bhera Manjhi Resident of village - Sunderpur
Mushari, P.S.- Bikram, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate
Mr.Jyoti Prasad, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Suresh Prasad Singh, learned A.P.P. for

the State.

2. Petitioner seeks bail in connection with Bikram
P.S. Case No. 104 of 2024 registered for the offences under
Sections 30(a) of the Bihar Prohibition & Excise Act, 2022.

3. The petitioner is named in the First Information
Report and is in custody since 23.03.2024.

4. Allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
is recovery of 146 litres of country made liquor from the
house of the petitioner.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that alleged recovery of illicit liquor, as per seizure list, appears to be made from the house of the petitioner, which was occupied by different family members and, as such, it can be safely said that alleged recovery of illicit liquor not made from the conscious physical possession of this petitioner. Learned counsel submits that compliance of Section 100(4) of the Code of Criminal Procedure (in short the "Cr.P.C.") regarding search of premises also not followed in the present case. While concluding argument, learned counsel submits that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed and charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. Considering the aforesaid factual submission and by taking note of the fact that alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean



antecedent, where petitioner is in custody since 23.03.2024 coupled with the fact that investigation of this case is completed and charge-sheet has already been filed, accordingly, above-named petitioner is directed to be released on bail in connection with Bikram P.S. Case No. 104 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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