

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53218 of 2024

Arising Out of PS. Case No.-724 Year-2023 Thana- MANER District- Patna

=====

LALBABU MANJHI @ LALA BABU MANJHI S/O LATE DHOBI
MANJHI @ YUGESHWAR MANJHI R/O VILLAGE- CHITNAWAN, P.S-
MANER, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Sinha

For the Opposite Party/s : Mrs.Asha Devi

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Maner P.S. Case No. 724 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 20 liters of country made liquor

4. Learned counsel appearing on behalf of petitioner submitted that the alleged recovery was made from the house of the petitioner which is admittedly



occupied by different family members. It is submitted that compliance of Section 100(4) of the Cr.P.C. not appears to be followed while searching the premises in issue. It is also pointed out that seizure list witness are police personal. While concluding arguments, it is submitted that in view of above it can be said safely that recovery was not made from the conscious physical possession of this petitioner. Petitioner is found involved in one more criminal case of similar nature on which he is on bail.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual submissions by taking note of the fact that recovery of alleged illicit liquor appears not to be made from the conscious physical possession of this petitioner, accordingly petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur, Patna/concerned Court, where the case is pending in connection with Maner P.S. Case No. 724 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Sudha/-

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

