

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20556 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- BODHGAYA District- Gaya

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Ajay Manjhi S/O Late Makhdu Manjhi @ Makhru Manjhi R/O vill.- Mastipur, P.S- Bodh Gaya, Dist.- Gaya, Bihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate
Ms. Sristy Patel, Advocate
Ms. Sneha Ranjan, Advocate
Mr. Abhishek Anand, Advocate
Mr. Tahsin Nayar Siddiqui, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Bodh Gaya P.S. Case No. 19 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 52 litres of IMFL/country made from the house.

4. Considering the submission and upon perusal of record, it appears that recovery of illicit liquor appears to be made from the joint house of the petitioner, which is occupied by other adult members



of the family and, therefore, *prima facie* denying recovery of illicit liquor from conscious physical possession of the petitioner. It also pointed out that compliance of Section 103(4) of BNSS regarding search of premises also not appears followed, making entire search of the premises doubtful. Petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Exclusive Special Excise Court No. 1, Gaya/concerned Court, where the case is pending in connection with Bodh Gaya P.S. Case No. 19 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.



(Chandra Shekhar Jha, J)

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