

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89285 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- BIHTA District- Patna

=====

Dharmendra Kumar @ Dharmendra Manjhi S/o- Late Basu Manjhi Resident
of village- Neura PS- Bihta District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amar Nath, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bihta P.S. Case No. 312 of 2023, registered for the offences
punishable under Sections 30(a) of the Bihar Excise Prohibition
Act.

3. The allegation against the petitioner is of indulge in
sell of illicit wine. The police conducted raid in the house of the
petitioner and on search, altogether 17 liters of illicit country
made liquor was recovered from his house. The petitioner
managed to flee away on noticing the police party.

4. There is complete denial of recovery from the
house of the petitioner. Learned Advocate for the petitioner
contended that had the recovery been made from the house of



the petitioner, there would have been signature of any of the family members of the petitioner, on the seizure list, but surprisingly, the seizure list witnesses are none else but the police personnel. It is further contended that the brother of the petitioner is the ward member of the village and in fact on account of enmity, the name of the petitioner has been falsely implicated in this case, in order to wreck vengeance. It is also the contention of the petitioner that the house of the petitioner is a joint family house, where several persons reside, but only on account of one past criminal antecedent of identical nature, his name has been implicated in this case. The petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that apart from one criminal antecedent of identical nature, recovery of illicit wine has been made from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the serious infirmities in the search and seizure, coupled with the fact that the alleged recovery is made from a joint family house and there is a dispute with the brother of the petitioner and other villagers, suggesting chance of false implication, let the petitioner above



named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Excise Judge, Danapur, Patna in connection with Bihta P.S. Case No. 312 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

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

