

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43903 of 2016

Arising Out of Excise Case No. -31 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP.
District- EAST CHAMPARAN (MOTIHARI)

Binda Manjhi S/o Batahu Manjhi of Village- Manguraha Dhangar Toli, P.S.-
Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Excise Case
No. 31 of 2016 instituted under Section 47 (A) of the Excise Act.

The allegation against the petitioner is that he was
involved in manufacturing of country made liquor which was
recovered from the hut, which belonged to him.

Learned counsel for the petitioner submits that on
the basis of the statement of the person, who was found drunk in the
hut, the petitioner has been falsely implicated, as the hut does not
belong to him. He further submits that without any verification and
corroborative evidence from the villagers as to whether the hut
belonged to him, he has been made accused. It is further submitted

that the petitioner has a separate hut, where he and his family reside.

Learned A.P.P. submits that at this stage, it cannot be said that the allegations are false as there is no reason either for the raiding party or the person who was caught at the spot to falsely implicate the petitioner.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the Court below and prays for regular bail within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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CAV DATE	N/A
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Transmission Date	