

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14714 of 2019

Arising Out of PS. Case No.-117 Year-2017 Thana- DANIYAWAN District- Patna

1. AASHA DEVI, Wife of Rajiv Manjhi
 2. Laxmaniya Devi, Wife of Awdesb Manjhi
 3. Ranjit Manjhi, Son of Shyam Prit Manjhi
 4. Saryug Manjhi, Son of Gansdhar Manjhi
 5. Nagina Manjhi, Son of Late Mangal Manjhi
 6. Girani Devi, Wife of Late Kedar Manjhi
- All are residents of Village - Badi Musahari, P.S.- Daniyawan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad
For the Opposite Party/s : Dr. (Mrs.) Indiar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Daniyawan Police Station Case No. 117 of 2017, disclosing offence under Sections 30(a), 30(e) and 37(b) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

Learned Counsel appearing on behalf of the petitioners has submitted that if the case of the prosecution, as alleged in the First Information Report, is to be believed, the



police raided 54 houses in the village on the report that the villagers were indulging in manufacture of country-made liquor. He contends that there is no recovery of any raw material nor even plastic containers. He has referred to the seizure list in which no seizure has been shown from the petitioners' possession.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioners, above named, surrenders before the Court below within four weeks from today and applies for regular bail, their application shall be considered and decided on the same day, keeping in mind the aforementioned observation that there is no allegation against the petitioners in the First Information Report.

(Chakradhari Sharan Singh, J.)

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