

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35880 of 2019**

Arising Out of PS. Case No.-38 Year-2019 Thana- RAJEPUR District- East Champaran

Sohan Manjhi, S/o Jhunnu Manjhi @ Jhunni Manjhi @ Munni Manjhi
Resident of Village- Galimpur, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 04-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Rajepur P.S.Case No. 38 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner, as per the FIR, is that on 26.03.2019 at 2110 O'clock in night, the police received information that in village-Galimpur Mushahar Toli, Sohan Manjhi, son of Munni Manjhi, prepares country made liquor and sells it from his house. For verification of the fact, police proceeded and reached near house of the petitioner and upon seeing the police party, one person from the backdoor of the house succeeded in fleeing away. After search, police recovered 05 litres country made liquor from the house of the petitioner



and seizure list was pasted at the door of his house.

Learned counsel for the petitioner submits that liquor has not been recovered from the conscious possession of the petitioner. He submits that house does not belong to the petitioner rather it belongs to his father who resides along with other family members in the house and petitioner has been falsely implicated by the police and it does not stand to the reason that at the time of raid in the night, nobody from the family members was present in the house. It is further submitted that procedure as prescribed under Section 100 Cr.P.C. regarding seizure has also not been followed in the present case and recovery of liquor from the house of the petitioner is completely doubtful. He has got no criminal antecedent and in para-12 of the petition, petitioner has specifically stated that house belongs to his father and not the petitioner in which other persons also reside as such he deserves benefit of anticipatory bail in view of judgment rendered by the Full Bench in Cr. Appeal (SJ) No. 431 of 2019.

After having heard learned counsel for the parties and taken into consideration the fact that there is no recovery of liquor from the conscious possession of the petitioner however seizure list has been pasted at the door of the house in the night



also creates doubt regarding seizure made by the police and further house belongs to father of the petitioner in which other family members also reside. Accordingly, I am inclined to grant anticipatory bail to the petitioner. As such petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Motihari, East Champaran in connection with Rajepur P.S. Case No. 38 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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