

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36528 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- PANCHRUKHI District- Siwan

Mukesh Manjhi @ Mukesh Kumar Manjhi, Son of Lal Babu Manjhi,
Resident of Village- Atarsua, P.S.- Sarai (O.P.), Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Daya Shankar Prasad Sinha

For the Opposite Party/s : Mrs.Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Pachrukhi (Sarai) P.S. Case No. 100 of
2019 registered for the offences punishable under Sections 272
and 273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that, in view
of the judgment of the Hon'ble Full Bench of this Court in the case
of **Ram Vinay Yadav Vs. The State of Bihar** reported in **2019(2)**
PLJR 1089, the prayer for grant of anticipatory bail of the
petitioner is fit to be considered. Learned counsel submits that
from perusal of the FIR itself it will appear that there is no
recovery of illicit liquor from the possession of the petitioner.
Police is said to have recovered the illicit liquor in question from a



field/land which does not belong to the petitioner. Further it is submitted that the petitioner has no criminal antecedent.

Learned APP for the State though opposed the prayer for anticipatory bail of the petitioner, however, it is not disputed that as per the FIR there is no recovery of illicit liquor from the possession of the petitioner.

Considering the facts and circumstances of the case particularly that from reading of the FIR it appears that the illicit liquor has been recovered from a plot/piece of land which is not said to be that of the petitioner and further that there is no recovery of illicit liquor from the possession of the petitioner as also that he has no criminal antecedent, this Court is inclined to grant anticipatory bail to the petitioner. Let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan in connection with Panchrukhi P.S. Case No. 100 of 2019, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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