

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.42051 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

Sagar Manjhi, aged about 20 years (Male), S/o- Narayan Manjhi Resident of
Village- Kalyanpur, Police Station and District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Amrendra Kumar, Advocate
For the Opposite Party : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 registered in connection with Jamui Case No.116c2/2019.

3. It is submitted that the petitioner has been falsely
implicated and even on perusal of the prosecution report, the
allegations do not whisper of any offence made out against the
petitioner, who has not been arrested at the spot, but merely state
that the petitioner ran away from the place of occurrence. Such act by
itself in absence of any other allegation does not constitute an offence
under the provisions of the Bihar Prohibition and Excise Act, 2016.
The petitioner claims clean antecedents.

4. Ordinarily, an anticipatory bail petition in relation to
the offence under the Bihar Prohibition and Excise Act, 2016 is not
maintainable. However, where, on the basis of the statements in the
first information report, the ingredients of the offence alleged against



a person are not made out, as observed by a Division of this Court in Cr. Misc. No. 21578 of 2017 (*Manish Kumar @ Lokesh Kumar Vs. The State of Bihar*) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the FIR alleging any offence said to have been committed by the petitioner in order to attract the provisions of the said Excise Act.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-2nd, Jamui in connection with Jamui Case No. 116c2/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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