

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43393 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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SONU RAM Son of Late Padarath Manjhi @ Padarath Ram Resident of
Village - Murarpur, P.S.- Korma and District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Ms.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Excise Case No. 162 of 2018, disclosing offence under
Section 30 (a) and 30 (d) of Bihar Prohibition and Excise Act,
2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the prosecution report, is that
when the Excise Officials, upon receiving the information that
illicit liquor was being prepared at the bank of River Tanti,
reached at the place of occurrence along with the police, the
accused persons started fleeing away, but one person, Indal
Manjhi, was arrested, who disclosed that the shop was being run
by some other persons. On search, 50 litres of illicit liquor,



along with 2 kgs of jawa, gur and apparatus were recovered from the place of occurrence.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and his name has been surfaced on the basis of secret information received by the Excise Officials. He further submits that no illicit liquor was recovered from the conscious possession nor the premises of the petitioner. Therefore, the petitioner deserves privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor was recovered neither from the conscious possession nor the premises of the petitioner and from perusal of the prosecution report and the seizure list, no *prima facie* case is made out against the petitioner, under the provisions of the Act, this application is allowed.

Let the petitioner, Sonu Ram, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sheikhpura, in connection with Excise Case No. 162 of 2018,



subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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