

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73366 of 2018

Arising Out of PS. Case No.-244 Year-2018 Thana- PIRBAHOR District- Patna

Arjun Manjhi Son of Shivpujan Manjhi, Resident of Mohalla-Bhanwar
Pokhar Police Station-Pirbahor, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Respondent/s : Mr.Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-01-2019 The petitioner seeks bail in anticipation of his arrest in connection with Special Case No. 4127 of 2018, arising out of Pirbahor P.S. Case No. 244 of 2018 dated 01.05.2018 instituted for the offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The prosecution of the petitioner in the instant case is on the basis of confession of an arrested co-accused person. There is no recovery from the possession of the petitioner.

With respect to the criminal antecedents, learned counsel for the petitioner has drawn the attention of this Court to the fact that in all the five cases which have been



lodged against the petitioner prior to the present case, petitioner has been granted bail. In fact, learned counsel for the petitioner has fairly conceded that because of the petitioner being a drunkard in the past, he was made accused in such cases about a year back. After undergoing rehabilitation, the petitioner has abandoned the habit of drinking. This is indicated by the fact that after the last case in the series of the cases in which petitioner was made accused, for about a year, no case was lodged against the petitioner. It is only because of his earlier tainted background that the Police has framed the petitioner again in the present case.

However, considering the fact that in similar nature of cases, the petitioner was earlier made accused, this Court is not inclined to grant anticipatory bail to him. However, if the petitioner surrenders before the Court below and seeks regular bail, the Court below shall look into the fact that earlier, the petitioner was in the habit of drinking but after his rehabilitation, he has abandoned the habit of drinking and that his implication in the present case is only on the



basis of confession of a co-accused person. The Court below shall pass orders in accordance with law without being prejudiced by the fact that the present petition for anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

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