

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47476 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- THAWE District- Gopalganj

CHANAS MANJHI S/o Late Shyamdeo Manjhi R/o village- Bhusaw Dera,
P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Thawe Police Station Case No. 53 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police, upon a secret information that the petitioner was selling illicit liquor near his bathan, reached the place of occurrence for verification and saw one person fleeing away. The police tried to catch hold the person, but he succeeded in fleeing away. The local chowkidar disclosed the name of the petitioner. The police, on search, recovered 1.400 litres of illicit liquor near the passage, leading to bathan of the petitioner.

Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case on the basis of the secret information inasmuch as no recovery of illicit liquor has been made from the premises belonging to the petitioner and from perusal of the First Information Report and the seizure list, it is evident that illicit liquor has been recovered from the passage leading to his bathan. He further submits that the passage is used by the general public and is not the exclusive passage of the petitioner, and as such, no *prima facie* case is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that a small quantity of illicit liquor has been recovered from the public passage and no recovery has been made from the premises belonging to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Chanas Manjhi, 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 -cum-



Special Judge, Excise, Gopalganj, in connection with Thawe Police Station Case No. 53 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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