

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71638 of 2019

Arising Out of PS. Case No.-357 Year-2019 Thana- BELAGANJ District- Gaya

1. Rahul Manjhi @ Rahul Kumar, aged about 21 years (M).
2. Dhannu Manjhi @ Dhannu Kumar, aged about 20 years (M), both are son of Late Baleshwar Manjhi, Resident of village- Beladih, Bhui Toli, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 357 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that Police recovered five liters of illicit liquor from the room (hut) of the petitioner no. 1 and another five liters from near the lavatory of the petitioner no. 2.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to village politics inasmuch as the petitioners have got no criminal antecedent and small quantity of liquor has been kept by the enemies of the petitioners and the petitioners have falsely been implicated in this case based upon the illicit liquor having been



found from their house and from their possession.

Having heard learned counsel for the parties and taking into consideration the fact that from perusal of the First Information Report and the seizure list it appears that illicit liquor has been recovered from the room (hut) and the lavatory of the petitioners and in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of the privilege of anticipatory bail to the petitioners, as such, the same is rejected.

However, if the petitioners surrender before the learned court below within a period of fifteen days and seek regular bail, the learned court below may consider their application for regular bail preferably on the same day on its own merit without being prejudiced to the fact that the present application has been rejected by this court.

(Anil Kumar Sinha, J)

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