

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84992 of 2019

Arising Out of PS. Case No.-453 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

=====

GHANSHYAM MANJHI Son of Late Jago Manjhi Resident of Village -
Chandrashekhar Nagar, P.S.- Barhat, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha Adv

For the Opposite Party/s : Mr.Sunil Kumar Pandey APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with **Case**
No. 453C2/2019 instituted for the offence under Section(s)
30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by the petitioner's counsel that petitioner
has no criminal antecedents. On going through the allegations
made in the prosecution report, it is apparent that the alleged
recovery is from 'Chandrashekhar Nagar'. The specific place
from whose house the recovery has been made cannot be
deciphered. From further reading of the prosecution report, it
further becomes doubtful and improbable since the person who
is said to have been arrested at the place of occurrence is shown



to be resident of 'Jinhara Ausata'. The recovery is made from the house under a staircase and, therefore, by no stretch of imagination, the petitioner, who is resident of 'Chandrashekhar Nagar' can be said to be in any manner be connected with the recovery. It is not alleged that it was recovered from the house or that he has been arrested at the place of occurrence. In the circumstances, no case whatsoever could be made out against the petitioner under the Bihar Prohibition and Excise Act.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of counsel for the petitioner.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Addl. Sessions Judge-II, Jamui**, in connection with **Case No. 453C2/2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to



the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

