

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6454 of 2020

Arising Out of PS Case No.-732 Year-2019 Thana- NAWADA District- Nawada

Raj Kumar Manjhi (Male) aged about 46 years, Son of Late Lakhan Manjhi
Resident of Village- Nanaura, P.S.- Nawada Town, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the State	:	Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 28-02-2020

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Nawada Town PS Case No. 732 of 2019 dated 17.06.2019 instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. From the house of the petitioner there has been recovery of 40 litres and from his field 10 litres of illicit liquor.

4. Learned counsel for the petitioner submitted that the recovery has not been from his conscious possession and the so called house was broken and not in use by the petitioner. It was submitted that the petitioner has no other criminal antecedent. He also produced before the Court copy of order dated 11.09.2019 passed in Cr. Misc. No. 57229 of 2019 by



which a co-ordinate Bench has been granted Anticipatory Bail to co-accused Mahendra Chaudhary.

5. Learned APP submitted that from the house and land of the petitioner there has been recovery of 50 litres of illicit liquor and, thus, he cannot claim innocence. It was further submitted that with regard to Mahendra Chaudhary the only allegation is that the local people had informed the police that it was he and co-accused Binod Chaudhary who had brought and kept the materials. However, with regard to the petitioner it was his house/land from which recovery has been made.

6. Having Considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders and prays for regular bail, the same shall be considered on its own merits, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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