

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4718 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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CHHOTELAL MANJHI Son of Late Dasai Manjhi Resident of Village -
Purushottampur, P.S.- Purushottampur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Purushottampur P.S. Case No. 83 of 2019 for the offence
registered under Sections 273, 272 and 420 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The allegation is regarding recovery of 134.400 litres
of illicit liquor from a bamboo orchard.

The learned counsel for the petitioner has submitted
that the petitioner has been falsely implicated in the present case
and he is having a clean antecedent. It is submitted that no
recovery has been made from the conscious possession of the
petitioner, hence the provisions of the Bihar Prohibition and
Excise Act, 2016 are not attracted, however, the petitioner has



been falsely implicated after the village Choukidar had taken the name of the petitioner as the person who had fled away from the spot after seeing the Police.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie* no case is made out against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah in connection with Purushottampur P.S. Case No. 83 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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