

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8950 of 2020

Arising Out of PS. Case No.-582 Year-2019 Thana- GAYA KOTWALI District- Gaya

1. BINAY MANJHI Son of Tunu Manjhi Resident of Village - Murlihill Pahari, P.S.- Kotawali, District- Gaya
2. Jyoti Manjhi @ Vijay Kumar @ Vijay Manjhi Son of Tunu Manjhi Resident of Village - Murlihill Pahari, P.S.- Kotawali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 582 of 2019 for the offence registered under Sections 30(a) and 30(ii) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of various quantities of illicit country made liquor from a hillock.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and as far as the petitioner no. 2 is concerned, he is having a clean antecedent while there is one case pending against the petitioner no. 1, in which he is on bail. It is further submitted that since illicit liquor has neither been recovered from



the conscious possession of the petitioners nor the place from where the illicit liquor has been recovered, belongs to the petitioners, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioners herein as far as the case of the petitioners for grant of anticipatory bail is concerned.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Kotwali P.S. Case No. 582 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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