

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8820 of 2020**

Arising Out of PS. Case No.-127 Year-2018 Thana- MANJHI District- Saran

MANOJ PRASAD SAH Son of Navratna Prasad Sah Resident of Village -  
Tajpur, P.S.- Manjhi, District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binod Murari Mishra

For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      29-02-2020                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
in connection with Manjhi PS case no. 127 of 2018 registered  
for the offences punishable under Sections 30, 30(a), 38 of  
Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 289.5  
liters of illicit liquor from a canal and on the basis of the  
disclosure made by the *choukidar*, the petitioner has been  
implicated in present case.

The learned counsel for the petitioner has  
submitted that the petitioner is innocent, is having a clean  
antecedent and has got no complicity in the matter. It is further  
submitted that since neither any recovery of illicit liquor has



been made from the conscious possession of the petitioner nor from his premises, no offence is made under the provisions of the Bihar Prohibition and Excise Act, 2016. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail vide order dated 25.07.2018, passed in Cr. Misc. no. 44962 of 2018.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioner as also taking in account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise, Saran at Chapra in connection with Manjhi PS case no. 127 of 2018



subject to the conditions as laid down under Section 438(2) of  
Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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