

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8450 of 2020**

Arising Out of PS. Case No.-267 Year-2017 Thana- ATRI District- Gaya

SITA MANJHI S/o Late Kara Manjhi R/o village- Jethian, Side Par, P.S.- Atri,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-03-2020

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with Atari
Police Station (for brevity, *PS*) Case No 267 of 2017 dated
22.10.2017 instituted for the offence punishable under
Section(s) 272, 273, 414/34 of Indian Penal Code and Section
30 (a) of Bihar Excise and Prohibition Act, 2016.

The prosecution case is that the police have gone into the
forest area on secret information regarding manufacture and sale
of illicit liquor. One Raj Vikas Singh has been apprehended
from the place along with country made pistol, some
ammunition and five liters of country made liquor. It is upon



his disclosure that the petitioner has been implicated in this case.

Learned counsel for the petitioner submits that having no criminal antecedent, the petitioner has been implicated falsely. Even, as per the prosecution case, petitioner was not present at the place. The very foundation of his implication is lacking as there is no recovery from him. He submits that no offence whatsoever can be made out, in the circumstances, under the Bihar Excise and Prohibition 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 learned counsel for the petitioner.

Considering the aforesaid facts, prayer of 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 bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise in connection with Atri PS



Case No 267 of 2017 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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)

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