

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16610 of 2020

Arising Out of PS. Case No.-1095 Year-2019 Thana- AGAMKUAN District- Patna

1. SHAILESH MANJHI S/o Ram Briksh Manjhi R/o- Bari Pahari Mushari,
P.S.- Agamkuan, District- Patna
2. Bala Lakhandar Manjhi S/o Ram Briksh Manjhi R/o- Bari Pahari Mushari,
P.S.- Agamkuan, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Agamkuan P.S. Case No. 1095/2019 registered for the offences punishable under Sections 30(a), 36, 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that a raid has been conducted by the police and three persons were arrested and from their possession 25 liters of country made Mahua wine were recovered. Learned counsel submits that the apprehended accused disclosed the name of these petitioners but save and except the statement of the apprehended accused there



is no source of identification of these petitioners. No independent witness or Chowkidar is said to have identified these petitioners while fleeing away, and petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of this case wherein this court has noticed on the first information report that on the raid conducted by the police three persons were arrested and from their possession 25 liters of country made Mahua wine were recovered and it is alleged that the apprehended accused disclosed the name of this petitioners but save and except the statement of the apprehended accused there is no source of identification of these petitioners and no independent witness or Chowkidar is said to have identified these petitioners while fleeing away, the statement being made in paragraph '3' of the application that the petitioners have no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise Act, Patna, in connection with Agamkuan P.S.
Case No. 1095/2019, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

