

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17491 of 2020**

Arising Out of PS. Case No.-132 Year-2020 Thana- NAWADA District- Nawada

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1. MOSAFIR CHAUDHARY S/o Girja Manjhi @ Girija Chaudhary R/o village- Nanaura, P.S.- Town (Nawada), District- Nawada
  2. Biraju Manjhi S/o Sakaldev Manjhi R/o village- Nanaura, P.S.- Town (Nawada), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      10-09-2020                      Heard Mr. Rajeev Nayan, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Town (Nawada) P.S. Case No. 132 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that the Police on the basis of secret information that some persons were preparing illicit liquor, proceeded towards the place of occurrence. On seeing the Police party 4-5 persons tried to flee



away and succeeded in the same. During course of search, the Police recovered two stoves, some solutions of jaggery, *Mahua*, raisin etc. It has further been alleged that 21 litres of illicit *Mahua* liquor has also been recovered from the place of occurrence. The name of the petitioners have been disclosed by the villagers that they were indulged in preparation of illicit liquor.

Learned counsel for the petitioners submits that petitioners have not committed any offence inasmuch as the illicit liquor and the equipment for preparation of liquor have not been recovered from their conscious possession or the premises belonging to them. Learned counsel for the petitioners further submits that from perusal of the First Information Report it appears that all the equipment and liquor have been recovered from the *Badhar*/vacant land in the village and the name of petitioners have been disclosed by the villagers. Learned counsel for the petitioners also submits that as per the First Information Report and seizure list, no *prima facie* case is made out against the petitioners under the Excise Act.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from possession of the petitioners and the



petitioners have got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Nawada, in connection with Town (Nawada) P.S. Case No. 132 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

**(Anil Kumar Sinha, J)**

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