

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26232 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- PAROO District- Muzaffarpur

AKLU MANJHI Son of Dewan Manjhi Resident of Village- Basaitha, P.S.-
Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Rajesh Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Paroo P.S. Case No. 37 of 2019 for the offence registered under Sections 30 & 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of five litres each of Mahua liquor from the houses of the accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the



present case and is having a clean antecedent. It is further submitted that the seizure list would show that the place of seizure is shown to be Mushahar Tola, however, there is no reference regarding recovery of illicit Mahua liquor from the house of the petitioner. Lastly, it is submitted that similarly situated co-accused persons has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 19.04.2019 passed in Criminal Misc. No. 25067 of 2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a coordinate bench of this Court, as also taking into account the fact that the seizure list does not refer to recovery of illicit liquor from the house of the petitioner, this Court finds that no prima facie case is made out under the provisions of the Bihar Prohibition & Excise Act, 2016, hence the bar of Section 76(2) of the Act, 2016 shall not come in the way of this Court to grant anticipatory bail to the



petitioner herein, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Paroo P.S. Case No. 37 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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