

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26233 of 2020

Arising Out of PS. Case No.-278 Year-2020 Thana- MADHAURAH District- Saran

MANOJ KUMAR SINGH @ MANOJ SINGH Son of Shila Singh Residence
of Village - Majhauria, P.S.- Madhowrah, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rajani Kumari

For the Opposite Party/s : Mrs.Anita Kumari Singh

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 Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Marhowrah P.S. Case No. 278 of 2020 for the offence registered under Section 188 of the Indian Penal Code and Sections 30(a) and 27(c) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding the police team having proceeded from the police station in question, on the alleged date and time of occurrence, for evening patrolling duty and in the meantime, they got secret information that at village Majhwaliya, the petitioner along with other two accused persons



were selling illicit wine and were also drinking wine whereupon the police team had reached at the place of occurrence, however, the petitioner and other accused persons fled away but two persons were apprehended who disclosed their name as Santosh Manjhi and Jaleshwar Singh and upon interrogation they also disclosed the name of their other accomplices 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 neither any recovery of illicit wine has been made from the conscious possession of the petitioner nor the petitioner has been arrested on the spot and merely on the basis of the confessional statement of the co-accused persons, the name of the petitioner has been roped in the present case merely on suspicion.

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 fact that illicit liquor has not been recovered from the conscious possession of the



petitioner and moreover the petitioner is having a clean antecedent, this Court finds that prima facie no case is made out under the provisions of the Bihar Prohibition & Excise Act, 2016, hence the bar under Section 76(2) of the Act, 2016 shall not come in the way of this Court for the purposes of grant of 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Marhowrah P.S. Case No. 278 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

