

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25451 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- BARAULI District- Gopalganj

1. Kamal Manjhi, S/o Late Hardev Manjhi, Resident of Village-Barauli Ward No.8, P.S.-Barauli, District-Gopalganj.
2. Avinash Kumar, S/o Kamal Manjhi, Resident of Village-Barauli Ward No.8, P.S.-Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-10-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Barauli P.S. Case No. 63 of 2020, registered under Section 30 of the Bihar Excise Amendment Act, 2018.

The accusation is that informant being the Officer-



in-Charge of Barauli Police Station, received information to the effect that Kamal Manjhi (petitioner no.1) and his son, Avinash Kumar (petitioner no.2) are indulged in selling the illicit liquor in their house. Thereafter, informant and other police personnel reached at the house of the petitioners but on seeing the police party, both petitioners succeeded to flee away. Thereafter, in presence of witnesses, house was searched and from the portion of Kamal Manjhi (petitioner no.1), 86 bottles each containing 180 ml and 18 bottles each containing 750 ml Indian made foreign liquor recovered.

Learned counsel for the petitioners submits that, in fact, the search was made in absence of the petitioners and it has also come in the FIR that the seized bottles of illicit liquor were recovered from the portion of petitioner no.1, Kamal Manjhi and petitioner no.2, Avinash Kumar, being the son of petitioner no.1, has falsely been implicated in the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner 2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 the learned 2nd Additional



Sessions Judge-cum-Special Judge, Excise, Gopalganj, in connection with Barauli P.S. Case No. 63 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the bail prayer of petitioner no.1, Kamal Manjhi, is concerned, having considered the facts and circumstances of the case and the recovery of bottles of illicit liquor from the portion of petitioner no.1, I am not inclined to grant anticipatory bail to the petitioner no.1. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 1 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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

