

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86367 of 2019

Arising Out of PS. Case No.-151 Year-2019 Thana- KURTHA District- Jehanabad

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Sudarshan Manjhi, S/O Buchani Manjhi, Resident of Village - Painathi, P.S.-
Kurtha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Kurtha P.S. Case No.151 of 2019, registered, for the offence
punishable under Sections 30(a) and 37(c) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police
recovered a total quantity of 15 litres of illicit liquor from the
roof of the house of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case inasmuch as the house from where the illicit liquor has
been recovered is joint family property and other members of



the family also reside there. Learned counsel further submits that the police at the time of seizure has not followed the procedure under Section 100 Cr.P.C.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the first information report and the seizure list, it is evident that the illicit liquor has been recovered from the house of the petitioner and in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, the anticipatory bail is not maintainable. Accordingly, the same is rejected.

However, if the petitioner surrenders before the Court below within a period of 15 days and prays for regular bail, the same may be considered by the learned Court below without being prejudiced with the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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