

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29943 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- AWTARNAGAR District- Saran

1. LAL BABU SAH @ DHUDHAN SAH Son of Jayee Sah Resident of Bhagwani Chapra, P.S. - Garkha, District- Saran.
2. Vijay Manjhi Son of Vinod Manjhi Resident of Banwari Basant, P.S. - Garkha, District- Saran.
3. Baharan Manjhi Son of Late Jagdeep Manjhi Resident of Banwari Basant, P.S. - Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2021 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Awtar Nagar Police Station Case No. 70 of 2020, disclosing offence under Sections 188/272/273/308/34 of the Indian Penal Code and Sections 30/30(a)/38 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation, as per the First Information Report lodged by a private person, namely Ranjeet Manjhi, is that the informant, after getting information that one Suresh Thakur,



along with the petitioners, was selling liquor from the hut of one Binod Manjhi, proceeded towards the said hut and upon seeing the informant, the petitioners fled away from the place of occurrence. However, one person, namely, Suresh Thakur, was caught by the informant with the help of others with a gallon, containing 10 litres of illicit liquor. It has further been alleged that thereafter the informant called the police and handed over the apprehended person, namely, Suresh Thakur, along with 10 litres of illicit liquor to the police.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to village politics and they have got no criminal antecedents. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that the alleged illicit liquor was recovered from the hut of one Binod Manjhi and not from the premises belonging to the petitioners. He further submits that no illicit liquor has been recovered either from the conscious possession of the petitioners or the premises belonging to them and upon perusal of the First Information Report and the seizure list, no *prima facie* case is made out against the petitioners under the provisions of the Act.

After having heard learned Counsel for the parties



concerned and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioners and the petitioners have got no criminal antecedent, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Saran, at Chapra, in connection with Awtar Nagar Police Station Case No. 70 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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