

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- TETERHAT District- Lakhisarai

1. PUNIT MANJHI S/o Rajo Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai
2. POTAN MANJHI S/o Rajo Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai
3. BIRMA DEVI D/o Lital Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai
4. LITAL MANJHI Son of Late Baleshwar Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai
5. AMERIKA MANJHI S/o Prabhu Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai
6. PRABHU MANJHI S/o Late Baleshwar Manjhi Resident of Village - Jhinoura, P.S. - Tatarhat, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2021 Heard Shri Rajive Ranjan Singh, learned counsel for the petitioners and Smt. Renu Kumari, learned A.P.P. for the State.

Learned counsel for the petitioners submits that during pendency of the present anticipatory bail application, the petitioner no. 4 and petitioner no. 6 have been arrested as such the anticipatory bail application against them has become infructuous accordingly he seeks permission to withdraw the



same.

Permission is accorded.

The petitioners are seeking anticipatory bail in connection with Tetarhat P.S. Case No. 67 of 2020 instituted for the offences under Sections 270, 272 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioner nos. 1 and 3 are persons with clean antecedent while against petitioner no. 2 and 5, there is one case pending. He further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that though it has been alleged that the liquor was recovered from the house of the petitioner along with others but from bare perusal of the seizure list it would manifest that had the liquor been really recovered from the house of the petitioner then the part of the house would also have been seized as is mandated by the law. The fact that the seizure list does not even remotely suggest that the part of the house from where the liquor was recovered was seized amply demonstrates that the petitioners have been falsely implicated. Further petitioners were not even present at the place of occurrence and came to be falsely implicated in the



present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but is not able to counter the submission of the learned counsel for the petitioners with respect to the seizure of the part of the house from where the alleged liquor is said to have been recovered.

Considering the facts and circumstances of the case in it's totality, the petitioner nos. 1, 2, 3, and 5, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Second Additional District and Sessions Judge-cum-Special Judge, Excise, Lakhisarai in connection with Tetarhat P.S. Case No. 67 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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