

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4598 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- BELAGANJ District- Gaya

UDAY MANJHI @ UDAI MANJHI @ UDAIO MANJHI @ Udal Manjhi
S/O Late Prabhu Manjhi Resident of Village - Neuri Tola - Mathana, P.S.
Belaganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Belaganj P.S. Case No. 85 of
2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise
Act.

The allegation is regarding recovery of two
liters of illicit liquor from a place situated in the
open space behind the house of the petitioner.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the seizure memo would show that the illicit liquor has been recovered from an agricultural field situated behind the house of the petitioner and the petitioner has categorically stated in paragraph no. 7 of the present petition that the recovery of illicit liquor was made from an open public place near the house of the petitioner, hence, it is submitted that no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 since no illicit liquor has been recovered either from the conscious possession of the petitioner or from within the house of the petitioner.

Per contra, the learned APP 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 materials on record, this Court finds that prima facie, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 inasmuch as no illicit liquor has been recovered either from the conscious possession of the petitioner or from his house, hence, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment 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 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Belaganj P.S. Case No. 85 /20, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

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

