

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11262 of 2022

Arising Out of PS. Case No.-446 Year-2018 Thana- BIHTA District- Patna

MANOJ KUMAR son of Misari Singh Resident of Village - Maula, P.S.
Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Bihta P.S. Case No.446 of 2018, registered for the offence punishable u/s 30(a), 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 25 litres of country made liquor is said to have been recovered from the possession of one Kanhaiya Manjhi kept in a Tub. In the meantime, 100 persons surrounded the police and released the apprehended accused and started assaulting the police party with bricks and stones.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application and the co-accused Kanhaiya Manjhi has been granted bail vide order dated 11.06.2020 passed in Cr. Misc. No.15477 of 2019.

Learned APP for the State opposed the prayer for bail by submitting that the petitioner and others have assaulted the police party, in which one Home Guard has sustained injury. Petitioner is a member of the syndicate involved in manufacture of liquor and has forcibly released the apprehended accused.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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