

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.32502 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- SHERGHATI District- Gaya

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MANOJ BHUIYAN @ KHATUN BHUIYAN @ MANOJ MANDAL SON  
OF MAHADI BHUIYAN @ MAHADI MANDAL R/O VILLAGE-  
ANAWAR DOHAR, P.S.- DOBHI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      24-02-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The instant application for anticipatory bail has been  
filed by the petitioner apprehending his arrest in connection  
with Sherghati (Dobhi) P.S. Case no. 70 of 2021 instituted for  
the offence punishable under Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 3 litres country  
made wine from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has been falsely  
implicated in this case. He has got no criminal antecedent.  
Neither the petitioner was arrested on spot nor any incriminating



article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below keeping in mind recovery of meager quantity of liquor.

**(Sunil Kumar Panwar, J)**

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