

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38575 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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MANOJ THAKUR SON OF RAMLAL THAKUR R/O VILLAGE-
TARANIYA, P.S.- CHAKIYA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 23.625 liters of liquor from the house and a place
behind the house of the petitioner.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession and came to be
implicated based on secret information which is the easiest way

to implicate an innocent person when petitioner admittedly is a person with clean antecedent, it is next submitted that from perusal of the allegation in the FIR, it would also manifest that the informant does not disclose as to what amount was recovered from the house and what amount was recovered from the place outside the house which also creates doubt with regard to the veracity of the allegation. It is next submitted that house is a joint family property.

Based on the submissions made by the learned counsel for the petitioner, the Court was inclined to grant anticipatory bail to the petitioner but the learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that though it has been submitted that the house is a joint family property but then it has not been pleaded in the anticipatory bail application.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

Accordingly, the anticipatory bail application is dismissed as withdrawn in connection with Excise Case No. 211 of 2022 pending in the Court of learned Exclusive Special Excise Court No. - 2, East Champaran, Motihari/successor

Court.

In the event if the petitioner surrenders on or before 24.11.2022 before the learned Trial Court, the learned Trial Court shall dispose of the case on the same day keeping in mind that petitioner is a person with clean antecedent, the alleged recovery is of a meagre amount and the FIR does not disclose that what amount was recovered from the house and what amount was recovered from a place outside the house.

(Satyavrat Verma, J)

HarshPandey/-

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