

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50883 of 2021**

Arising Out of PS. Case No.-147 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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MAHENDRA KUMAR MANJHI S/o RAJESHWAR MANJHI R/o
VILLAGE-SHEKHPURA, P.S-AMNAUR, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjani Parashar
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-02-2022 Heard the parties through virtual Court proceedings.

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

Petitioner apprehends his arrest in connection with Excise P.S. Case No.147 of 2021, registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Altogether 2.75 liters of foreign liquor and 25 liters of country made liquor is said to have been recovered from the shop of the petitioner. It is alleged that the petitioner escaped from the spot on seeing the police.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case merely on suspicion. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from the shop of the petitioner but the actual fact is that the said shop is run by his brother, who was apprehended on the spot. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances, since the recovery has been made from the shop of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail to the petitioner named above is hereby rejected.

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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