

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10399 of 2023**

Arising Out of PS. Case No.-211 Year-2022 Thana- PATAHI District- East Champaran

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BIRENDRA MANJHI @ BIRENDRA MAJHI, Male, aged about 48 years,
Son of Chanardev Manjhi @ Chanar Majhi, Resident of Village-
Nonfarwa/Manpurwa, P.S.- Patahi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Patahi P.S. Case No. 211 of 2022 for the
offence registered under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 77.390
liters wine is said to have been recovered from five different
places.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
He has falsely been implicated in the present case. There is



no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 77.390 liters wine is recovered from five different places. Out of which, 8 liters wine is said to have been recovered from the back portion of the house belonging to joint family of the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the alleged recovery is made from the back portion of the house belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. 2, East Champaran, Motihari, in connection with Patahi P.S. Case No. 211 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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