

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20636 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- WAJIRGANJ District- Gaya

1. SONA DEVI @ SONI DEVI W/O RAMPRIT MANJHI Resident of Village- Budhgriya, P.S.- Wazirganj, District- Gaya.
2. MEJAR MANJHI S/O RAMPRIT MANJHI Resident of Village- Budhgriya, P.S.- Wazirganj, District- Gaya.
3. PRATAP KUMAR @ PRATAP MANJHI S/O RAMPRIT MAJHI Resident of Village- Budhgriya, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehends arrest in a case registered for the offence punishable under Section 30 (a), 30(b), 30(c) of the Bihar Prohibition and Excise Amendment Act, 2018.

Total 50 liters of country made liquor was recovered from the house of the petitioner nos. 2 and 3.

Learned counsel appearing for the petitioners submits that no incriminating material has been recovered from the conscious possession of the petitioners and they are no way



connected with the aforesaid recovery. Petitioners claim clean antecedent.

Learned counsel for the State submits that the recovery has been made from the house of the petitioner nos. 2 and 3.

Considering the fact that the recovery has been made from the house of the petitioner nos. 2 and 3, this application for grant of anticipatory bail to the petitioner nos. 2 and 3 is not maintainable in view of Full Bench decision of this Court rendered in the case of Ram Vinay Yadav vs. The State of Bihar reported in 2019(2) P.L.J.R. 1089 (F.B.).

Accordingly, this anticipatory bail application for petitioner nos. 2 and 3 is dismissed as not maintainable.

So far as petitioner no. 1 is concerned, since nothing has been recovered from her or from the possession of this petitioner, the prayer of bail of petitioner no. 1 is allowed.

Considering the facts of the case, in the event of arrest/surrender within six weeks from today, let the petitioner no. 1, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Gaya in connection with Wazirganj Police



Station Case No. 55 of 2022 subject to the conditions laid down
under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

U		T	
---	--	---	--

