

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13755 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- MAKER District- Saran

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1. CHOTELAL MANJHI @ RANJAN S/o Dhaneshwar Manjhi R/o Village- Barewa, P.S.- Maker, Distt- Saran.
 2. Rohit Kumar Manjhi S/o Rajkumar Manjhi R/o Village- Barewa, P.S.- Maker, Distt- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rabindra Kumar Tiwari, Advocate
For the Opposite Party : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and
learned APP for the State.

At the outset, learned counsel for the petitioners submits that during pendency of this application, the petitioner No. 1 namely Chotelal Manjhi @ Ranjan has been taken into judicial custody. Hence this application has become infructuous with regard to the petitioner No. 1 namely Chotelal Manjhi @ Ranjan.

Accordingly, this application with regard to the petitioner No. 1 namely Chotelal Manjhi @ Ranjan only stands dismissed as infructuous.

The petitioner No. 2 is apprehending his arrest in a



case registered under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 45 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The name of the petitioner No. 2 has transpired on the basis of disclosure made by local chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in this case. It is alleged that 45 liters wine is recovered by side of the road. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner No. 2 has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner No. 2, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Xth-cum-Special Judge, Excise, Saran at Chapra in connection with Maker P.S. Case No. 185 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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