

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40197 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- MADHAURAH District- Saran

Rahul Manjhi @ Rahul Kumar Manjhi, aged about 23 years, Male, Son Of
Virus Manjhi @ B. Manjhi, Resident Of Village- Bardahiya, P.S.- Marhowrah,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Sunil Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Marhowrah P.S. Case No. 103 of 2023 registered for the
offence punishable under Section 30(a) and 41 (i) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 60 litres of country-
made liquor from a pond situated at Bardahiya.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner is



nowhere related with the illicit liquor. Petitioner has one more criminal antecedent under Section 30 (a) of the Bihar Prohibition and Excise Act in which he is on bail. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that the recovery was made from a pond situated at Bardahiya. Petitioner has one more criminal antecedent under Section 30 (a) of the Bihar Prohibition and Excise Act in which he is on bail. Petitioner is nowhere concerned with the recovery of illicit country-made liquor. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Marhowrah P.S. Case No. 103 of 2023, subject to the condition as laid down



under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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