

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47568 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- RIVILGANJ District- Saran

1. Dinesh Manjhi, Son of Dasai Manjhi, Village- Repura P.S.- Rivilganj, Dist- Saran.
2. Baban Chaudhary, Son of Anil Chaudhary, Resident of Nayka Tola P.S.- Rivilganj Dist- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Rivilganj P.S. Case No. 85 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. Petitioner No. 1 has got no criminal antecedent and petitioner no. 2 has got one criminal antecedent.

3. As per the prosecution story, on 08.04.2023 the informant received a secret information about liquor being kept at the mango orchard of Pandit Jee near Bidesi Tola, Mai Sthan. When the informant reached at the said place, four persons tried to escape from there, out of them only two were caught who



disclosed their names as Dhiraj Chaudhary and Chandan Kumar Manjhi. They disclosed the name of two persons who managed to escape as Baban Chaudhary (Petitioner No.2) and Dinesh Manjhi (Petitioner No. 1). From the said place, 170 litre of country made liquor was seized along with two motorcycles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the two motorcycles which were seized from the place of occurrence do not belong to the petitioners and their names have transpired in the confessional statement of the apprehended co-accused.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that the two motorcycles which were seized from the place of occurrence do not belong to the petitioners, their names have transpired in the confessional statement of the apprehended co-accused, further that the petitioner no. 1 has no criminal antecedent though petitioner no. 2 has one criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Rivilganj P.S. Case No. 85 of 2023 on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Excise, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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