

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54392 of 2023

Arising Out of PS. Case No.-841 Year-2022 Thana- PHULWARISHARIF District- Patna

Rita Devi Wife Of Khelan Manjhi @ Lakhman Manjhi Resident Of Village
Govindpur Sundarpur Khagaul, Ps- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 30(c), 32(iii), 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the total recovery of 150 litre country-made wine has been made from the hut of the Village- Govindpur, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the recovered material does not belong the petitioner. Counsel submits that the name of the petitioner has figured in this case due to the dirty village politics. Counsel

submits that there are two criminal antecedents of the petitioner.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the anticipatory bail is not maintainable under Section 76(2) of the Bihar Prohibition and Excise Act. Counsel further submits that there are two criminal antecedents of the petitioner.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Phulwarisharif P.S. Case No. 841 of 2022, dated 15.07.2022 to the satisfaction of learned Special Judge Excise, Patna.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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