

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69115 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- DHANARUA District- Patna

CHANDAN MANJHI S/O CHANDESHWAR MANJHI R/O VILLAGE-
SANDA, P.S- DHANARUA, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adil Abbas, Adv.

For the Opposite Party/s : Mrs.Asha Devi, Adv

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Dhanarua P.S. Case No. 55/ 2023 dated 29.01.2023
registered for the offence(s) punishable under Section(s) 30(a)
of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and as per FIR, the alleged wine which is
stated to be five liters of country made Mahua wine, was
recovered at 7 PM from Sanda Bazar village in the month of
January, 2023 and the police claimed to have identified the
petitioner but in ordinary course in the month of January sunset
takes place before 7 PM and the police did not disclose the



source by which the petitioner was identified and the petitioner has got no criminal background of similar offence hence prima facie case under Excise Act is not made out against him and the prayer for anticipatory bail of the petitioner is maintainable. Further submission is that in the seizure memo, place of recovery is completely vague as the place from which recovery has been made has not been disclosed and simply the details of the village has been given and the same creates doubt over the prosecution's case, in fact, the FIR was lodged falsely against the petitioner on account of village politics.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the fact that the police did not disclose the source by which the petitioner was identified and the place of recovery mentioned in the seizure memo is completely vague, in my opinion, in the said circumstances, petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dhanarua P.S. Case No. 55/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the Court concerned, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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