

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65526 of 2023

Arising Out of PS. Case No.-394 Year-2016 Thana- PHULWARISHARIF District- Patna

Santosh Manjhi, aged about 39 years, Gender- Male, son of Late Sudhu Manjhi, R/o village- Govindpur, P.S.- Phulwarisharif, Distt.- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Phulwarisharif PS Case No.394 of 2016 dated 13.07.2016, instituted under Sections 147, 148, 149, 323, 307, 353, 504, 506 of the Indian Penal Code and Sections 47/53 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the police, who was on patrolling duty, got information that in village Govindpur illicit liquor is being prepared. Accordingly, the police reached there and raided altogether fifteen houses from where 40 litres Mahua liquor as well as some utensils which are used for preparation of liquor were recovered. In the meanwhile, a mob of about 150 persons



assembled there and started objection on the raids being conducted by the police. They attacked the police party and stopped them from conducting further raid in other houses situated at Govindpur Mushahri.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is labourer and works as *Cooli* on the tractor and had gone outside the state to earn his livelihood. He was not present at the time of occurrence. FIR has been lodged against sixteen named persons and 100 unknown persons. The petitioner has no concern either with the huts or with the alleged liquor. Nothing has been recovered from conscious possession of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in Phulwarisharif PS Case No.394



of 2016, subject to the conditions laid down in Section 438(2) of
the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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