

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14256 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- TARAIIYA District- Saran

1. Lal Babu Manjhi @ Lal Babu Chhotu Kumar Son Of Late Kedar Manjhi Resident Of Village- Kharanti, Ps- Taraiya, Dist- Saran
2. Pujan Manjhi @ Dilip Manjhi @ Dilip Kr. Manjhi Son Of Late Kedar Manjhi Resident Of Village- Kharanti, Ps- Taraiya, Dist- Saran
3. Asha Devi Wife Of Raju Manjhi Resident Of Village- Kharanti, Ps- Taraiya, Dist- Saran
4. Pritam Devi Wife Of Manoj Manjhi Resident Of Village- Kharanti, Ps- Taraiya, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 183, 427, 188, 189, 353, 333, 307, 356, 356(B) of the Indian Penal Code and Sections 30(a), 32(3), 45 of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner nos. 3 and 4 are women. It is next submitted that the allegation is of



recovery of 40 liters of *Spirit* from the possession of Kishmati Devi and 35 liters of *Spirit* from the house of petitioner no. 1.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with, it is also submitted that the house in question is a joint family property and as such it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house or it was in the knowledge of the petitioners that liquor was kept in the house, it is further submitted that the petitioners came to be implicated at the instance of *Chaukidar* with whom they are on an inimical term.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the learned court below where the case is pending/successor court in connection with Taraiya P.S. Case No. 349 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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