

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15315 of 2024

Arising Out of PS. Case No.-185 Year-2022 Thana- GAURICHAK District- Patna

1. Pappu Manjhi Son Of Hari Manjhi Resident Of Village - Chipra Kala, Mushari, Ps- Gaurichak, Dist- Patna
2. Ajay Manjhi Son Of Pramod Manjhi Resident Of Village - Chipra Kala, Mushari, Ps- Gaurichak, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Minnatullah

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gaurichak P.S. Case No. 185 of 2022, dated 23.03.2022 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, total 120 litres of country made liquor was recovered from the water tank, village- Chipura Kalan.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and has falsely been implicated in this case. The petitioner no. 1 has got one criminal antecedent



of similar nature in which he is on bail whereas petitioner no. 2 has got no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioners were disclosed by the local villagers. No incriminating article has been recovered from the conscious possession of the petitioners, hence no case is made out against the petitioners. Learned counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of ***Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as no incriminating article were recovered from the possession of the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City in connection with Gaurichak P.S. Case No. 185 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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