

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24669 of 2024

Arising Out of PS. Case No.-373 Year-2017 Thana- PUNPUN District- Patna

1. Bijendra Manjhi Son of Late Ram Sewak Manjhi Resident of Village-
Habibpur Dalit Mushari, P.S.- Punpun, Dist.- patna
2. Ram Bhagat Manjhi Son of Late Gandra Manjhi Resident of Village-
Habibpur Dalit Mushari, P.S.- Punpun, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioners and the
learned APP for the State.

2 The petitioners apprehend their arrest in a case registered for the offences punishable under Section 273 of the IPC and Sections 30 (a), 37 (b) of the Bihar Excise Act.

3 Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 43 liters of country made liquor as detailed in the FIR. It is next submitted that the petitioners were not arrested from the spot and, as such nothing was recovered from their conscious possession. It is next submitted that after the 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 is a joint family property, as such, it cannot be alleged with certainty that they were petitioners who had kept the liquor in the house or the liquor kept in the house within the knowledge of the petitioners. It is next submitted that the petitioners are persons with clean antecedent and that they came to be implicated on confessional statement of co-accused in police custody which does not have any evidentiary value.

4 Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

5 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 trial Court within a period of six weeks from today, be released on anticipatory bail on each of them furnishing bonds of Rs 5,00/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial Court where the case is pending/successor court in connection with Punpun PS Case No 373 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr P C.

6 It is made clear that the learned trial Court before



accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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