

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28893 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- AMNAUR District- Saran

Shivam Manjhi S/O Vijay Manjhi R/O Village- Gosi Amnour, P.S- Amnour,
Distt.- Saran At Chapra.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Ms. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 216-04-2024
1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 50 litres of liquor behind the house of Sailesh Manjhi, 100 litres of liquor from bamboo orchard behind the house of Jitendra Ray, 70 litres of liquor from hutment of Kanhiya kumar and 50 litres of liquor behind the house of petitioner.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession and alleged recovery is from a place which is accessible to public at large and does not belong to the petitioner. It is next submitted that he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is also submitted that in majority of the cases, the police, in a mechanical manner, is implicating the accused persons either at the instance of Chowkidar or local person but then it absolutely does not stand to reason that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Amnour P.S. Case



No. 341 of 2023 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before
accepting the bail bonds of the petitioner shall verify the
criminal antecedents of the petitioner and in the event if it is
found that the petitioner has antecedent of even one case, in that
event the present anticipatory bail order shall not be given effect
to.

(Satyavrat Verma, J)

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