

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35693 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- KHAIRA District- Saran

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Anil Manjhi Son of Manik Chand Manjhi R/o Vill.- Afour, P.S.- Khaira
Nagar, Dist.- Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Khaira (N) P.S. Case No. 93 of 2024, registered on 19.03.2024 for the offences under Sections 30 (a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on getting information about petitioner and co-accused Madan Singh selling illicit liquor from their house, a raid was conducted and two persons fled away from the house of the petitioner and one of them was the petitioner as disclosed by the persons who assembled there. On search of the place, recovery of 20 liters of country made *chulai* liquor was made from a place near the hand-pump adjacent to the house of petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. From the FIR itself, it is clear that recovery has been made from an open place and nothing incriminating has been recovered from the conscious possession of this petitioner. Further, two persons have been made accused for such recovery. Except for the allegation that the seized liquor belongs to this petitioner, there is no cogent material on record against the petitioner. The petitioner has got criminal antecedent of one case but that case is not under the Excise Act.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery has been made from the house of the petitioner, which was near the hand-pump adjacent to the house of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery is from an open place which is not the house of the petitioner and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran, Chapra/concerned court in connection with Khaira (N) P.S. Case No. 93 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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