

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37689 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- MANJHAGARH District- Gopalganj

Basant Baitha @Basant Kumar Baitha Son of Jagan Baitha R/O Village-koini,
PS Manjahgarh, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-07-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Manjhagarh Police Station Case No. 104 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. As per the First Information Report, the police, on the basis of secret information that the petitioner has concealed liquor in his house, reached at the house of the petitioner and saw a person carrying a bag was fleeing and when the police party tried to apprehend the petitioner, he succeeded in fleeing away from the spot leaving the bag on the roadside and upon search, police



recovered 71.64 liters of illicit liquor from the same.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case with oblique motive. He further submits that the petitioner is not having any criminal antecedent and the illicit liquor has neither been recovered from his conscious possession or the premises belonging to him. From perusal of the seizure list, it would be evident that the liquor has been recovered from the road situated near the house of the petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner is not having any criminal antecedent, the illicit liquor has not been recovered from inside the house of the petitioner or from his conscious possession, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 13th cum Special Excise Court No. 1, Gopalganj, in connection with Manjhagarh Police Station Case No. 104 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

HarshPandey/-

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