

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44328 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- HARSIDHI District- East Champaran

Ranjeet Manjhi S/o Nandu Manjhi @ Bandu Manjhi R/o village-Mushari
Tola, Harsidhi, P.S.-Harsidhi, Dist.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 7 liters of spirit from the house Sangita Devi and 10 liters of spirit from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and after amendment in the Excise Act in year 2018, the concept of deemed



possession and presumed offender has been done away with. It is also submitted that house in question is a joint family property, as such it cannot be alleged with certainty that it was petitioner who kept the liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated based on confessional statement of Sangita in police custody which does not have any evidentiary value.

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

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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Harsidhi P.S. Case No. 75 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C

However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is



found that petitioner has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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