

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46993 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

1. Narad Manjhi @ Arvind Kumar Chaudhary Son of Late Bharat Manjhi Resident of Village - Umarpur, P.S.- Buxar (Town), District - Buxar.
2. Anil Manjhi @ Anil Kumar Chaudhary Son of Resident of Village - Umarpur, P.S.- Buxar (Town), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Rai Sharma

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Buxar (Industrial) P.S. Case No. 110 of 2024 registered for the offences punishable under Sections .30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 171.760 country made liquor was recovered from an open place and the name of the petitioner has been disclosed on the basis of secret information.

4. Learned counsel for the petitioners submits that in the F.I.R., it has been mentioned that the name of the petitioners have been surfaced in this case on the basis of



confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful. No incriminating articles has been recovered from conscious possession of the petitioners. Petitioners having clean antecedent. Basically the alleged place of recovery is open place which is accessible to all. Petitioners cannot be held liable for the recovery of said liquor which is from open place. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides, the petitioner 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 furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.-1 in connection with Buxar (Industrial) P.S. Case No 110 of 2024 subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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