

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48130 of 2024

Arising Out of PS. Case No.-621 Year-2023 Thana- Excise P.S. District- Saran

Rajesh Manjhi Son of Kameshwar Manjhi Resident of Village - Kasina, P.S. -
Garkha, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Adv.
For the Opposite Party/s : Mr.Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sadar Excise P.S. Case No. 621 of 2023 registered for the
offences punishable under Sections 30(a), 32(3) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 14 liters illicit country made liquor from the dickey of the
Scooty bearing Regd. No. BR04AP-7755.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner was not caught on the spot. The
petitioner has falsely been implicated in this case due to owner



of the alleged seized TVS Jupiter Scooty bearing Regd. No. BR04AP-7755. He further submits that nothing incriminating has been recovered from his conscious possession. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Krishna Basfor has been granted regular bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 21812 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Sadar
Excise P.S. Case No. 621 of 2023, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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