

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55468 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- GOPALPUR District- Patna

Punam Devi @ Chulbul Devi @ Gulbul Devi Wife Of Binay Manjhi, D/O
Sunil Manjhi @ Bhagwan Manjhi Resident Of Village Manoharpur
Kachhuara PS Gopalpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar, Advocate Mr. Binay Kumar, Advocate Mr. Shashank Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 05-07-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Gopalpur P.S. Case No. 309 of 2022, Special Case No. 3452 of 2022 dated 22.06.2022 registered against fourteen named accused persons and 15-20 unknown persons for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 332, 307, 353 and 427 of the Indian Penal Code and Section 30(a)(c)/45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation, 13 liter of illicit country made liquor and 1000 liter of *jawa mahua* have been recovered from the house of co-accused and the Petitioner and other co-accused persons are said to have assaulted the police party.



4. However, Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no illicit liquor has been recovered from the possession of the Petitioner nor any instrument or any particulars which are used in preparing liquor is recovered from his possession nor was he present in the alleged unlawful assembly. As such, no offence is made out. Hence, no case is made out against the Petitioner either under the Excise Act or IPC. His name has been given in the FIR only on the basis of suspicion. It is not possible for any police officer to know each and every person of a gathering of 70 people.

5. As such, circumstances and the anticipatory bail petition is maintainable.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named,



to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise Act, Patna, in connection with Gopalpur P.S. Case No. 309 of 2022, Special Case No. 3452 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Chandan/
Ravishankar-

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