

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55184 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- BANIAPUR District- Saran

1. Shambhu Manjhi son of Chandrika Manjhi Village- Dhobbal Ps- Baniyapur Dist- Saran
2. Kanhaiya Manjhi son of Suresh Manjhi Village- Dhobbal Ps- Baniyapur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a), 32(i), 32(2), 38, 41(i) and 41(2) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case and allegation is of recovery of 1000 litres of spirit from courtyard of Raghubir Paswan.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even



alleged recovery is from a place which does not belong to the petitioners and they have no relation with Raghubir Paswan. It is next submitted that they came to be implicated based on confessional statement of Raghubir in police custody which does not have any evidentiary value.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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 bonds of Rs. 5,000/- (Rupees Five Thousand) each 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 Baniyapur P.S. Case No. 211 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioners have 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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