

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62629 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- DURAULI District- Siwan

1. Kamlesh Manjhi son of Tukar Manjhi
2. Bhola Manjhi son of Late Judawan Manjhi

Both 1 and 2 are resident of village- Darauli, Ps- Darauli, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 31-08-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act in connection with Darauli P.S. Case No.141 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 280 liters of liquor from a sack allegedly thrown by the accused person including the petitioner.

4. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and they have no concerned with the sack in question and they came to be implicated at the instance of chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation, when petitioners admittedly are persons with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500 /- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.I, Siwan in connection with Darauli P.S. Case No.141 of 2024, subject to the conditions 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 antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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