

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67410 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- TARAIYA District- Saran

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1. Shankar Manjhi, S/o- Basu Manjhi Resident of Village- Pokhrera, P.S.- Taraiya, District- Saran at Chapra
 2. Jay Kumar Manjhi Son of Basu Manjhi Resident of Village- Pokhrera, P.S.- Taraiya, District- Saran at Chapra
 3. Saheb Manjhi @ Saheb Kumar Paswan Son of Basu Manjhi Resident of Village- Pokhrera, P.S.- Taraiya, District- Saran at Chapra
 4. Kishore Manjhi @ Kishor Manjh @ Kishor Paswan son of Basu Manjhi Resident of Village- Pokhrera, P.S.- Taraiya, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr/s. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner nos.1 to 3 have antecedent of one case and
petitioner no.4 has antecedent of two cases and the allegation is
of recovery of 41 litres of liquor from a gallon near a canal at
village- Jamuni.



4. The learned counsel for the petitioners submits that 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 is accessible to public at large and they came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

5. Learned A.P.P. 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 their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with



Taraiya P. S. Case No.189 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 petitioner nos.1 to 3 has antecedent of more than one case and petitioner no.4 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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