

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73108 of 2023

Arising Out of PS. Case No.-637 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

UDIT MANJHI S/O RANGLAL MANJHI R/O VILLAGE- MANGAIDIH,
P.S.- CHAPRA MUFFASIL, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a)/40(1) of the Bihar Prohibition and Excise Act, 2016.

3. Altogether 30 litres of country made liquor has been recovered from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has



been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. His name has been transpired in the present case merely because the seized liquor has been recovered from his house, but the real fact is that the said house is an abandoned joint family house. He had no knowledge of keeping of the said liquor in the house as he is not residing in the said house. He had not consumed liquor. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, as 30 litres of country made liquor has been recovered from the house of the petitioner, I am not inclined to him on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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