

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75606 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- LAKHAURA District- East Champaran

Gama Manjhi @ Gama Majhi S /O Indrajeet Manjhi R/o village Lakhaura,
Bichala Tola, Mushari Tola, PS.- Lakhaura District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Lakhaura P.S. Case No. 103 of 2024 registered on 01.09.2024 for the offences punishable under Sections 30(a), 32, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution, recovery of 60 liters of Desi Mahua wine is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. From the prosecution, it itself becomes crystal clear that nothing has been recovered from the possession of the petitioner nor he was



apprehended. He further submits that his antecedent is clean and merely by virtue of the statement of Chaukidar, he has been made accused in this case. He further submits that no offence under the Bihar Prohibition and Excise Act is made out against him and the bail application of the petitioner has been rejected by the Trial Court only on the ground that anticipatory bail is not maintainable.

5. Learned APP for the State on the other hand submits that it is true that nothing has been recovered from the possession of the petitioner nor the ingredient of Excise Act is there but on the statement of the Chaukidar, the name of the petitioner has figured in this case.

6. Upon bare perusal of the FIR, it transpires to this court that the ingredient of the Excise Act is not available against the petitioner in the present case and his antecedent is also clean. In this background, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court No.01, East Champaran at Motihari, in connection with Lakhaura P.S. Case No. 103 of



2024, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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