

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75399 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- MANJHI District- Saran

Vikash Kumar Singh Son of Late Shailesh Singh @ Buchu Singh R/O Vill.-
Tajpur, P.S.- Manjhi, Dist.- Saran.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75578 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- MANJHI District- Saran

- 1. Nityanand Singh @ Lallu Singh Son of Rama Singh R/Vill.- Tajpur, P.S.-
Manjhi, Dist.- Saran.
- 2. Ashwani Kumar Singh @ Awadesh Singh Son of Suresh Kumar Singh @
Leeti Singh R/Vill.- Tajpur, P.S.- Manjhi, Dist.- Saran.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77523 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- MANJHI District- Saran

Aashish Sahani Son of Shyam Bahadur Sahani village- Chhotaki Fulwariya,
Ps- Manjhi, Dist- Saran

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75399 of 2024)
For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Kanhiya Kishor (App)
(In CRIMINAL MISCELLANEOUS No. 75578 of 2024)
For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Nawal Kishor Pd. (App)



(In CRIMINAL MISCELLANEOUS No. 77523 of 2024)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali (App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Manjhi Police Station Case No. 256 of 2024,
disclosing offences under Sections 30, 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the FIR, on 18.08.2024, informant got secret
information that some persons are carrying liquor by boat near
Saryu river at Matiyar Tola. Upon such information, police party
proceeded towards Matiyar Tola. When they reached at the bank
of Saryu river at Matiyar Tola, they saw one boat parked on the
bank of the river and eight to nine persons were boarded on the
boat and some were standing near it. On seeing the police party,
all the persons started fleeing away and managed to escape. On
search of the boat, total 315 liters of foreign liquor was
recovered.

4. Learned Counsel for the petitioners submits that the
petitioners have falsely been implicated in the present case due
to ulterior motive of the police party. No incriminating material



has been recovered from the conscious possession and/or premises of the petitioners. He further submits that the name of the petitioners have transpired merely on the basis of disclosure by local chowkidar. Petitioners have no concern with the alleged recovered liquor. Petitioners are not the owner of the alleged boat. There are no independent witnesses who have supported the version of the police as well as no independent witness have signed on the seizure list.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that nothing has been recovered from the conscious possession of the petitioners, petitioners are not the owner of the alleged boat from the where the recovery was made and the names of the petitioners have transpired on the basis of disclosure by the local chowkidar, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise



Judge, Saran, in connection with Manjhi Police Station Case
No. 256 of 2024, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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