

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83812 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- RAXAUL District- East Champaran

Manu Malik, male, aged about 25 years, Son of Late Kishori Malik, Resident of Village- Prem Nagar Toli, PS- Raxaul (Haraiya, O.P.), Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Raxaul (Haraiya O.P.) P.S Case No. 400 of 2023 dated 02.09.2023 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 51 litres of illicit liquor was recovered from the house of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No



incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the recovery has been made from the house of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out and the same is dispose of with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail and the learned Court below shall consider his prayer for regular bail on the same day without being prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

Nilmani/-

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