

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4399 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- PAHARPUR District- East Champaran

Raju Manjhi Son Of Late Hiranman Manjhi R/O Village- Baluon Tharhati,
Bada Laguniya, P.S.- Paharpur, Dist.- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-02-2024 Learned counsel for the petitioner is directed 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 Paharpur P.S. Case No. 136 of 2023, dated 15.04.2023 for the offences punishable under Sections 304, 308, 328, 201, 34 of the Indian Penal Code and under sections 30(a), 34, 37, 41 of the Bihar Prohibition and Excise Amendment Act, 2018 has been added.

4. As per the prosecution case, total 200 ML. of liquor has been recovered from the house of the petitioner. Police got



information that due to intake of his liquor some persons died while some persons including petitioner are admitted in the hospital.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The name of the petitioner was disclosed on the basis of confessional statement of Ajay Manjhi. No incriminating material has been recovered from the conscious possession of the petitioner, hence no case is made out against the petitioner. The petitioner has been made accused in the present case because he is registered owner of the motorcycle but at the time of the alleged occurrence, the said motorcycle was not being driven by the petitioner. Learned counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of ***Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.



6. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran in connection with Paharpur P.S. Case No. 136 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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