

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54820 of 2019

Arising Out of PS. Case No.-288 Year-2019 Thana- HAJIPUR District- Vaishali

MANOJ KUMAR @ MANOJ RAI Son of Pradeep Rai Resident of Village -
Terasia, P.S.- Ganga Bridge, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Hajipur Town P.S. Case No. 288 of 2019, disclosing offence under Section 30(a), 32(2), 38 of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that even if the allegation, as made in the First Information Report, is considered to be correct, no offence against the petitioner can be said to be made out under Sections 30(a), 32(2), 38 of the Act. According to him, the bar under Section 76(2) of the Act is not attracted. He has submitted that name of co-accused Sanjeev Singh @ Sanjeeb Kumar @ Bhulla has emerged on the basis of same allegation and considering the decision of this Court in case of *Manish Kumar @ Lokesh*



Kumar Vs. The State of Bihar (Cr. Misc. No. 21578 of 2017),
he has been allowed anticipatory bail.

Considering the said decision in the case of ***Manish Kumar @ Lokesh Kumar*** (supra), this application is allowed, as I am of the view that the allegation against the petitioner and co-accused Sanjeev Singh @ Sanjeeb Kumar @ Bhulla are identical.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in Hajipur Town P.S. Case No. 288 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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