

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10355 of 2020

Arising Out of PS. Case No.-362 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MANOHAR KUMAR Son of Sanjiv Singh Resident of Village - Bari Eghu,
P.S.- Mufassil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arjun Prasad, Advocate

For the Opposite Party/s : Mr Bishweshwar Ram, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-06-2020 The anticipatory bail petition has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Begusarai Mufassil Police Station (for brevity, *PS*) Case No 362
of 2019 instituted for the offence punishable under Section(s)
30a of Bihar Prohibition and Excise Act, 2016.

There is a recovery of 507.375 liters illicit liquor
from near one Navin Yadav's house. The police had come there



on receiving secret information that consignment of illicit liquor was reaching that place. Some persons are alleged to have fled away. Petitioner is said to be one of the persons who fled away. It is submitted by petitioner's counsel that there is no recovery of any incriminating material from the petitioner or from his house. Recovery is from the *Badhar* near the house of one Navin Yadav with which the petitioner has no concern. Neither petitioner was caught selling, nor purchasing illicit liquor. The petitioner has no criminal antecedent. It is submitted that from perusal of allegations in the first information report, offences under the Bihar Prohibition and Excise Act are not made out.

The learned APP for the State has opposed the prayer for pre-arrest bail referring to the provisions contained in Section 76 (2) of the Bihar Prohibition and Excise Act.

Having heard the parties, this Court would consider the parameters for consideration of prayer for pre-arrest bail in terms of the Full Bench judgment of this Court in the case of *Ram Vinay Yadav -Versus- The State of Bihar, 2019 (2) PLJR 1089*.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.



Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Begusarai in connection with Begusarai Mufassil PS Case No 362 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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