

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2252 of 2020**

Arising Out of PS. Case No.-319 Year-2019 Thana- BANIAPUR District- Saran

=====

MANISH KUMAR SINGH @ MANISH SINGH @ TINKU SINGH Son of
Prabhunath Singh Resident of Lawan Kala, P.S.- Baniapur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Md. Mushtaque Alam

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Baniapur
Police Station (for brevity, *PS*) Case No 319 of 2019 instituted
for the offence punishable under Section(s) 414 of Indian Penal
Code and Section 30 (a) of Bihar Prohibition & Excise Act.

It is pointed out by the petitioner's counsel that even as
per the allegations made in the first information report, huge
quantity of illicit liquor has been recovered from the truck in
question. Allegation in the first information report is that the
petitioner along with six other persons were standing near the
truck. On account of such presence, no offence can be made out
against the petitioner as there is no allegation that he was the



driver, owner or in any manner connected with the illicit liquor loaded on the truck. Petitioner was earlier accused in three other cases in which he is said to be on bail.

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

Having regard to the Full Bench judgment of this Court in the case of *Ram Vinay Yadav -Versus- State of Bihar, 2019 (2) PLJR 1089*, this Court is inclined to accept the submissions of learned counsel for the petitioner.

Considering the aforesaid facts, prayer of 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 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, Saran in connection with Baniyapur PS Case No 319 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)

M.E.H./-

U		T	
---	--	---	--

