

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9891 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- NAUBATPUR District- Patna

1. MANISH RAI S/O Bundela Rai Residence of Mohalla - Narendra Rampur,
P.S. - Naubatpur, District - Patna.
2. Mintu Rai S/o Late Bhagwat Rai Residence of Mohalla - Narendra Rampur,
P.S. - Naubatpur, District - Patna.
3. Butan Rai S/O Late Saguni Rai Residence of Mohalla - Narendra Rampur,
P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Rahul Kumar, the learned counsel for

the petitioners and the learned APP for the State.

Mr. Kumar seeks permission to withdraw the
petition with respect to the petitioner no. 2, who has been
arrested during the pendency of this petition.

This petition with respect to the petitioner no. 2/
Mintu Rai is dismissed as having become infructuous.

The petitioner nos. 1 and 3 seek bail in anticipation
of their arrest in connection with Spl. Case No. 5110/2020
arising out of Naubatpur P.S. Case No. 443 of 2020



instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

100 litres of liquor kept in five gallons were recovered from the field belonging to the petitioner no. 3.

The learned counsel for the petitioners has submitted that the name of the petitioner nos. 1 and 3 has transpired in the confession of one Pramod Rai who was arrested at the time of the raid.

Regard being had to the fact that the recovery is from the land belonging to the petitioner no. 3, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail to the petitioner no. 3 / Butan Rai is rejected.

However, if he surrenders before the Court below and seeks bail, that petition shall be considered on its own merits without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

Since the name of petitioner no. 1/Manish Rai has transpired only in the confession of an arrested accused



person, that he has no connection with petitioner no. 3 or the seized liquor ;and that he has clean antecedents, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Excise Judge, Patna in connection with Spl. Case No. 5110/2020 arising out of Naubatpur P.S. Case No. 443 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

sunilkumar/-

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

