

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13726 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Manish Kumar, aged about 31 years, S/o Shyam Narayan Mishra.
 2. Lal Babu Mahto, aged about 23 years, S/o Badri Nath Mahto.
- Both are R/O Village - Akopur, P.S. - Cheria Bariyarpur, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest inconnection with Ballia P.S. Case No. 238 of 2020 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

After some arguments, the counsel for the petitioners seeks permission to withdraw the application of



petitioner No. 2, namely, Lal Babu Mahto, who has earlier been made accused in a case of similar nature.

Permission is granted.

The application with respect to petitioner No. 2 is dismissed as withdrawn.

Should he surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

So far as the petitioner No. 1, namely, Manish Kumar is concerned, he is sought to be prosecuted in the present case on the basis of recovery of liquor from a sugarcane field of one Phulendra Sharma.

Considering the factum of recovery from an open space, not belonging to petitioner No. 1 and his clean antecedents, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-Cum-Special Judge, Excise Act, Begusarai in connection with Ballia P.S. Case No. 238 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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