

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13981 of 2022**

Arising Out of PS. Case No.-239 Year-2021 Thana- JANDAHA District- Vaishali

1. MANNA KUMAR @ DEEPAK KUMAR RAI S/o Jagdish Rai R/o village- Sherpur, P.S.- Jandaha, District- Vaishali
2. VAKIL SAHNI S/o Meghnath Sahni R/o village- Dhandhua, P.S.- Jandaha, District- Vaishali
3. MANOJ SINGH @ MANOJ KUMAR S/o Vijay Singh R/o village- Dhandhua, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sushil Kumar Singh  
For the Opposite Party/s : Mr. Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      30-09-2022      Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.2 and 3, as they have already been arrested during pendency of this application.

Permission is granted.

The instant application as against petitioner no.2 and 3



stands dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.1 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 267.480 litres of foreign liquor is said to have been recovered from a tractor.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the basis of statement of local chaukidar. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The tractor from which recovery has been made does not belong to the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.1 is agreed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand) in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account



No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

Considering the aforesaid facts and circumstances, let the petitioner no.1, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Jandaha P.S. Case No.239 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.



The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Bihar State Legal Services Authority.

**(Anjani Kumar Sharan, J)**

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