

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24137 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- MAHNAR District- Vaishali

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MONU KUMAR Son of Umesh Sah @ Umesh Kumar Gupta Resident of
Village - Amardeep Cinema Road, Ward No.10, P.S.- Mahnar, Distt.- Vaishali
at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjana Parihar

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Mahnar P.S. Case no. 57 of 2022 instituted for the offence under
Sections 30(a), 30(E), 30(2) of the Bihar Prohibition and Excise
Act.

Prosecution case relates to recovery of 15 litres of
country made liquor from a Tata Indigo Car and it is alleged that
petitioner succeeded in fleeing away. He was identified by the
local Choukidar.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. The alleged car belongs to one Arun Kumar. He has got
no criminal antecedent. Petitioner has no concern with the alleged



recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the local Choukidar before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

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Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mahnar P.S. Case no. 57 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2-cum-A.D.J. Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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