

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30413 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- GARDANIBAG District- Patna

MANOJ KUMAR Son of Late Karu Singh Resident of Village - hasanchak
Rahimanpur, P.s.- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 36, 41 (i) (ii), 32 (ii) (iii) and 34 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 846 liters of liquor from a bus.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated as he is the owner of the bus, it is further submitted that it absolutely does not stand to reason that if the petitioner was doing business of buses and his buses are plying on various routes and liquor is seized then how the petitioner becomes



responsible, merely because he is the owner? It is next submitted that the liquor law is creating havoc amongst the businessmen as they fear that in the event if their vehicles, houses, godowns, which they give for rent/commercial purposes etc, are used for keeping liquor then they become culpable. Learned counsel next submits that petitioner is aged about 47 years and till 47 years, he has remained a person with clean antecedent and all of a sudden he becomes fugitive under the Excise Law.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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. 2,000/- (Rupees Two 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 Gardanibagh P.S. Case No. 94 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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