

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38164 of 2022**

Arising Out of PS. Case No.-49 Year-2021 Thana- ALAMGANJ District- Patna

MANOJ KUMAR PRABHAKAR Son of Late Krishna Prasad Resident of Mohalla - Chailital, P.O.- Gaulajarbagh, P.S.- Alamganj, District Patna, Bihar- 800007, Presently residing at A-301, Banke Bihari Kunj, Near Ice Cream Factory, Opposite Mithapur Gumti, G.P.O., District - Patna, Bihar- 800001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sameer Sawarn, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      24-08-2022                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467 468, 471 of the Indian Penal Code read with Section 30(a) 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 1820.25 liter of liquor from truck, godown and Scooty and out of 1825.25 liter liquor, 37.5 liters of liquor was seized from the godown.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession, it is next submitted that godown was constructed by the petitioner for using it for commercial purpose and the same was leased out to Randhir Kumar as would be evident from Annexure-3 the anticipatory bail application, learned counsel thus submits that since the godown though belongs to the petitioner but was leased to Randhir Kumar as such it cannot be alleged that it was the petitioner who had kept the liquor in the godown, it is next submitted that no prudent man would use his own premises for carrying out illegal liquor business and thus get implicated by creating evidence against himself.

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 Special Case No. 659 of 2021 arising out of Alamganj P.S. Case No. 49 of 2021



subject to the conditions as laid down under Section 438 (2) of  
the Cr.P.C.

**(Satyavrat Verma, J)**

Rishi/-

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