

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46438 of 2022**

Arising Out of PS. Case No.-152 Year-2022 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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1. Manoj Rai @ Manoj Kumar Ray Son Of Fulo Rai Resident Of Village -  
Manoripur Jhajhra, P.S.- Kusheshwar Asthan, District - Darbhanga.
  2. Lal Babu Rai Son Of Fulo Rai Resident Of Village - Manoripur Jhajhra,  
P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Sangeeta Sharma

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

2      21-10-2022      Heard the parties.

Learned counsel for the petitioner is directed to remove  
the defects within four weeks.

Petitioner apprehends his arrest in connection with a case  
registered for the offence punishable u/s 414/467/468/120B of  
IPC and 30(a)/41(1) of the Bihar Prohibition and Excise Act  
(Amendment), 2018.

Altogether 4104.72 litres of foreign liquor is said to have  
been recovered from three vehicles. One person was  
apprehended on the spot and he disclosed the name of the  
petitioner.

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 apprehended person. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The recovery has been made from a pick up truck which does not belongs to the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh) 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, 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 Kusheshwar Asthan P.S. Case No.152 of 2022, 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.3,00,000.00/- (Rupees Three Lakh) in the Bihar State Legal Services Authority.

**(Anjani Kumar Sharan, J)**

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