

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43457 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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MANOJ KUMAR @ MANOJ RAI SON OF MAHESH RAY R/O
VILLAGE- SAIDPUR KUTUBPUR, WARD NO.-15, P.S.- BIDUPUR,
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43579 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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SUMAN KUMAR @ SUMAN RAI Son of Ganesh Ray Resident of Village -
Saidpur Kutubpur, Warde No.15, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 43457 of 2022)

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mrs.Asha Kumari

(In CRIMINAL MISCELLANEOUS No. 43579 of 2022)

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mrs.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-10-2022 Heard the parties.

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

Petitioners apprehend their arrest in connection with a
case registered for the offence punishable u/s 30(a), 32(1),



32(3), 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2018.

Altogether 393.120 litres of foreign liquor is said to have been recovered from a banana orchard behind the house of co-accused Anil Rai.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the basis of secret information. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. The alleged recovery has been made from banana orchard near the house of co-accused person from which the petitioners have no concern. There is no compliance of section 100 Cr.PC. Petitioner has Manoj Kumar @ Manoj Rai has one and petitioner Suman Kumar @ Suman Rai has no criminal antecedent, as also mentioned in para-3 of the bail applications.

Petitioner is agreed to deposit a sum of Rs.25,000/- (Rupees Twenty Thousand) **each** 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 petitioners, named above, in the event of their 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) **each** 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 Hajipur Excise Case No.71 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.25,000.00/- (Rupees Twenty Five Thousand) **each** in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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