

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61672 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- MAHUA District- Vaishali

Manish Kumar @ Golu Kumar S/O Rakesh Kumar Singh @ Lalu Singh R/V-
Mukundpur, Singhara, Post- Singhara, P.S.- Mahua, District- Vaishali At
Hajipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Mahua P.S. Case no. 138 of 2022 instituted for the offence
under Sections 30(a), 41(i) of the Bihar Prohibition and Excise
Act.

Prosecution case relates to recovery of total 404.60
liters illicit liquor of different brands from a truck bearing
Registration No. WB35-1034.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner has no concern with the alleged recovery of
illicit liquor. It is further submitted that petitioner is neither the
owner nor the driver of the vehicle in question. The name of the



petitioner is transpired in this case on statement made by local Chaukidar. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious or constructive possession.

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

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 Mahua P.S. Case no. 138 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 Exclusive Special Excise Court No.II-cum-Additional District and Sessions Judge, 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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