

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1081 of 2022**

Arising Out of PS. Case No.-212 Year-2021 Thana- CHAUTHAM District- Khagaria

Manish Kumar, S/o Kapal Yadav, R/o village- Rohiyar, P.S.- Mansi, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddhartha Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in Chautham
P.S. Case No. 212 of 2021, G.R. No. 3177 of 2021, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per F.I.R., it is alleged that the petitioner along
with other co-accused were carrying total 11.625 litre of illegal
foreign liquor on a motorcycle and after seeing police party
petitioner managed to escape from the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious and physical possession of the petitioner. Petitioner is neither owner of the vehicle nor concerned with the seized liquor. He further submits that in the FIR recovery is shown from the motorcycle but from perusal of the seizure list it is apparent that seized article was recovered from the abandoned place. Petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioner.

Having heard the learned counsel for the parties and considering the fact that petitioner has no criminal antecedent and there is no recovery made from the conscious possession of the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria in connection with Chautham P.S. Case No. 212 of 2021, G.R. No. 3177 of 2021,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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