

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36266 of 2023

Arising Out of PS. Case No.-559 Year-2022 Thana- TAJPUR District- Samastipur

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MANOJ KUMAR RAY S/O LATE RAMDARSHAN RAY R/o Village-Ban-
bira, P.O- Purshottampur Halai, P.S-Tajpur, Halai O.P., Distt.-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Jha
For the Opposite Party/s	:	Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Tajpur PS Case No. 559 of 2022 dated 21.11.2022 registered under Section 272 / 273 / 34 of the IPC and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Prosecution case in short is that Police received secret information on 20.11.2022 that five persons, including the petitioner, has brought a truck loaded with liquor and the same is being unloaded in the campus of the co-accused / Sandeep Sharma. The Police based upon the secret information arrived at the place of occurrence and seized the illicit liquor, which was being unloaded from the truck totaling 5220.36 liters. It has been alleged that upon seeing the Police party the accused persons including the petitioner fled away.



4. Learned counsel for the petitioner submits that petitioner has got no criminal antecedent and he has been made accused merely on the basis of secret information received by the Police. He submits that petitioner is neither the owner of the truck nor the premises where the truck was standing belong to the petitioner. The co-accused person in front of whose house the truck was standing and the liquor was being unloaded namely, Sandeep Kumar Sharma has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. 30185 / 2023 and the owner of the truck / Shashi Baranwal has also been granted anticipatory bail in Cr. Misc. No. 9815 / 2023 and other similarly situated co-accused / Munna Kumar has also been granted the privilege of anticipatory bail by a Co-ordinate Bench.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner has got no criminal antecedent, no illicit liquor has been recovered from his premises and / or vehicle belonging to him, the truck owner as well as the person in whose premises the truck was standing have been granted anticipatory bail and similarly situated co-accused has also been granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner.



6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur in connection with Tajpur PS Case No. 559 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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