

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60077 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- PIPRA District- Supaul

MUNNA MANDAL @ MUNNA KUMAR Son of Saryug Mandal R/o vill -
Pahalwana, (Palhawana) Gamhirpur, Laxmipur, P.S. - Triveniganj, Distt. -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.
Mr. Bhim Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State
2. Petitioner apprehends his arrest in connection with
Pipra P.S. Case No. 159 of 2023 dated 30.04.2023 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.
3. The main submissions advanced by learned counsel
for the petitioner are that the instant matter relates to recovery of
16.5 litres of *Nepali liquor* and the same is stated to have been
recovered from a *Bamboo orchard* and as per allegation, two
vehicles of which details has been given in the FIR, were
involved in the smuggling of the alleged liquor but the petitioner
has no connection to any of them and his name surfaced in the



statement of apprehended co-accused Sunil Kumar and in respect of petitioner's involvement in the alleged crime the prosecution/police is mainly relying upon the statement of said co-accused which has no evidentiary value and the petitioner has fair and clean antecedent and the alleged offence of Excise Act is not prima facie attract against the petitioner, hence his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly the fact that in respect of petitioner's involvement in the alleged crime of smuggling of liquor, police is mainly relying upon the statement of apprehended co-accused and except the said statement, prosecution has not drawn the attention of this Court towards any other material showing the petitioner's involvement who has fair and clean antecedent, in my opinion, in the said circumstances, the petitioner's prayer for anticipatory bail is acceptable. Accordingly, 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 bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned in connection with Pipra P.S.
Case No. 159 of 2023, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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