

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63848 of 2023

Arising Out of PS. Case No.-7 Year-2021 Thana- NAYAGAON District- Begusarai

Manoj Kumar S/O Late Radha Kant Prasad Singh @ Radha Kant @ Radha Kant Singh R/O Village- Adarshgram Tikarampur, P.S- Mufshil, Distt.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Amresh Kr. Sinha, Advocate Mr. Saroj Kr. Choudhary, Advocate
For the State	:	Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Naya Gaon P.S. Case No. 7 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. From a vehicle parked at the house of co-accused Murari Singh, there is alleged recovery of 375 ml of illicit liquor.

4. The learned counsel for the petitioner submits that the vehicle was sold to Gaurav Kumar in the year 2019 itself. The sale transaction is obvious from the affidavit, copy of which has been enclosed as Annexure- P/1 to the bail application. The



petitioner has become victim of the circumstance. He has no antecedents.

5. The learned APP has opposed the prayer by raising the bar to grant anticipatory-bail under Section 76(2) of the Bihar Prohibition and Excise Act.

6. Considering the rival submissions, the affidavit (Annexure P/1), clean antecedent of the petitioner as also the manner of recovery of minuscule quantity of illicit liquor from the vehicle, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of *Ram Vinay Yadav vs. State of Bihar*, reported in **2019 (2) PLJR 1089 (FB)**, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Exclusive Special Judge, Excise 1st, Begusarai in connection with Naya Gaon P.S. Case No. 7 of 2021, subject to the



conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) 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. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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