

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64704 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- WARISLIGANJ District- Nawada

Manish Kumar S/o Arun Singh, R/o Village- Dariyapur, P.S- Warisaliganj And
Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr. Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Warisaliganj P.S. Case No. 408 of 2023 dated 13.08.2023, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is total recovery of 90 liter beer and 55.5 liter of foreign liquor from the outhouse (*Dalan*) of the petitioner.

4. Learned counsel for the petitioner submits that due to three criminal antecedents against the petitioner, he has been falsely implicated in this case. He further submits that the alleged recovery is made from the outhouse (*Dalan*) of the petitioner which is an open place and is re-accessible to others



also and the outhouse is also a joint premises. He also submits that there is no recovery from the physical or conscious possession of the petitioner and due to village politics the petitioner has been implicated in this case. Learned counsel submits that petitioner is ready to co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with Warisaliganj P.S. Case No. 408 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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