

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63908 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- DIDARGANJ District- Patna

Manoj Thakur S/O Late Rama Thakur R/O Village- Didarganj, Ward No.-72,
P.S- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Didarganj P.S. case No. 264 of 2023 registered for the offence punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

3. There is recovery of 17 liters illicit liquor kept in the refrigerator in the petitioner's house.

4. Learned counsel for the petitioner submits that the manner in which the recovery is alleged is clear indication of petitioner's false implication as it is beyond apprehension as to how the police would know that any beer is kept in the refrigerator. The petitioner has become victim of circumstance as is it a joint house and he has no concern with the alleged



illicit liquor recovered from the refrigerator. He is also having no antecedents.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre- arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in *2019(2) PLJR 1089*. Having regard to the law laid down in the said judgment, the rival submissions, the manner of petitioner's implication and his clean antecedent, this Court finds that the conditions exist for grant of anticipatory bail in terms of Section 76(2) of the Bihar Prohibition and Excise Act, as interpreted by the Full Bench referred above.

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 Special Judge, Excise, Patna City, in connection with Didarganj P.S. case No. 264 of 2023, subject to the conditions as laid



down in Section 438(2) of the Code of Criminal Procedure with 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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