

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63838 of 2023**

Arising Out of PS. Case No.-94 Year-2023 Thana- PATEPUR District- Vaishali

Manish Kumar Son Of Naresh Panjiyar @ Naresh Paswan Resident Of  
Village - Bhagwanpur Kaiju, P.S. - Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv

For the Opposite Party/s : Mr.Lakshmi Kant 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 Patepur P.S. Case No. 94 of 2023 registered for  
the offence punishable under Sections 30(a), 32(ii) and 41(i) of  
the Bihar Prohibition and Excise Act.

3.      3,564 liters illicit liquor is alleged to be unloaded  
from a truck on two vehicles. The petitioner is stated to be one,  
who fled away from the place where this transaction was being  
carried out.

4.      It is submitted by learned counsel for the petitioner  
that based on statement of co-accused, he has been implicated.  
He has no concern with either the truck or the two vehicles on  
which the illicit liquor was being unloaded. He is also having a



fair antecedent.

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 (FB)**. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, 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 Excise Court No. II-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 94 of 2023, 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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