

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70943 of 2023**

Arising Out of PS. Case No.-184 Year-2022 Thana- CHANAN District-  
Lakhisarai

=====

MANNU KORA SON OF KARU KORA R/O VILLAGE- BANSKUND, P.S.-  
CHANAN, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Manoj Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
ORAL ORDER

2      07-11-2023                      Heard Mr. Manoj Kumar, learned counsel for the  
petitioner and Mr. Manoj Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Chanan P.S. Case No. 184 of 2022 dated 20.12.2022  
registered for the offence under Section 30(a) of the Bihar  
Prohibition and Excise Act.

Recovery is of 3000 liters of Jawa Mahua country  
made liquor.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case on the  
basis of disclosure made by the local chaukidar. He further  
submits that on bare perusal of the F.I.R. and the seizure list,



it appears that nothing has been recovered from the house or conscious possession of the petitioner rather the alleged recovery has been made from the forest area. He further submits that the petitioner has no concern at all with the alleged recovery. Save and except the disclosure of the local chaukidar, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that there is non-compliance of Section 100 Cr.P.C. while preparing the seizure list, therefore, no case would be made out against the petitioner under the Bihar Prohibition and Excise Act.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submits that this application seeking pre-arrest bail would not be maintainable.

This Court is aware of the decision of the Full Bench in the case of ***Ram Vinay Yadav Vs. State of Bihar*** reported in ***2019(2) P.L.J.R. 1089***. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited



purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

Considering the facts and circumstances of the case and the fact that the petitioner bears the clean antecedent, nothing incriminating has been recovered from the possession of the petitioner and he has been made accused in this case at the behest of local chaukidar, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Additional District and Sessions Judge-IV -cum- Special Excise Judge, (Court No. 1), Lakhisarai in connection with Chanan P.S. Case No. 184 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

brajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

