

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74167 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- MANER District- Patna

MANISH KUMAR Son of Kamakhya Ray Resident of Village- Hulasi Tola,
P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Maner P.S. Case 407 of 2022 for the offence registered
under Sections 30(a) of Bihar Prohibition and Excise
Amendment Act.

As per the prosecution story, the police upon secret
information apprehended two persons, namely, Sonu Kumar
and Jitendra Kumar and recovered 100 liters of 'Mahua' from
the motorcycles. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits the
petitioner is a single earning person of his family and due to this
case the petitioner and his whole family have been mentally
harassed. He has absolutely nothing to do with the apprehended



person.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner do not have criminal antecedent and is single earning person in his family and having nothing to do with the alleged recovery/seizure of the '*mahua*', this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Excise Judge, Danapur, Patna in connection with Maner P.S. Case No. 407 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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