

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30616 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- Excise P.S. District- Vaishali

Manoj Kumar Rai @ Manoj Kumar Son Of Late Mahesh Rai Resident Of
Village - Saidpur Kutubpur, Ward No.15, P.S. - Bidupur, District - Vaishali
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 202.800 liters of liquor from hut of Raja Paswan.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and even alleged recovery is from a place which
does not belong to the petitioner and is accessible to public at
large and he came to be implicated at the instance of local
person, but then the name of the person who disclosed the name
of the petitioner is not disclosed in the FIR, which cast an



aspersion on the case of the prosecution. It is next submitted that police implicates mechanically either at the instance of Chowkidar or local person. It is also submitted that if local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Prohibition & Excise Court No. II -cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Hajipur P.S. Case No.76 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the



criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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