

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37578 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- NADI P.S. District- Patna

Manish Kumar Son of Lal Babu Ray @ Lal Babau Ray Resident of Village -
Gadhochak, Kripal Tole, P.S.- Riverian Thana, Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases.
4. Allegation is of recovery of 30.825 litres of liquor near
a railway line at Gadhochak.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated at the instance of the local villagers but then it is
submitted that the police in majority of the cases implicate either at
the instance of the Chawkidar, local person, confessional statement
and secret information in a mechanical manner without holding



proper investigation of the case. It is further submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Riverian P.S. (Fatuha) Case No. 72 of 2024 (i.e. Nadi P.S. Case No. 72 of 2024), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than eight cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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