

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44696 of 2024

Arising Out of PS. Case No.-643 Year-2023 Thana- DARIYAPUR District- Saran

Manoj Kumar Singh @ Manoj Singh Son of Gulab Singh Resident of Village-
Jay Prakash Nagar, P.S.- Bairiya, District- Ballia, Uttar Pradesh

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 643 of 2023 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 3543.480 litre foreign liquor from the DCM truck in question. 54 litre foreign liquor was also recovered from the Pick-up van in question. Apprehended co-accused Lalan Rai disclosed the name of present petitioner and others who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of co-accused Lalan Rai, there is nothing on



record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is neither owner nor driver of any of the seized vehicles in question. No incriminating article has been recovered from the possession of the petitioner. He has no concern with the alleged occurrence. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. Co-accused Rudal Sah and Lal Babu Rai have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 12162 of 2024 and 14858 of 2024 respectively and the case of present petitioner stands more or less on similar footing. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd, -cum- 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 643 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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