

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45152 of 2024

Arising Out of PS. Case No.-184 Year-2022 Thana- MANER District- Patna

Dilip Rai @ Dilip Kumar @ Dilip Son of Birendra Rai Village- Beyapur
South Of Bank Of India Ki Gali, P.S.- Maner, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with

Maner P.S. Case No. 184 of 2022 registered for the

offences punishable under Sections 30(a)(c), 34, 36 and

41 of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to

be engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 198 litres of IMFL/country

made liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner appears in the present case on the basis of confessional statement of co-accused namely Pintu Kumar, who also appears to be involved on the basis of confessional statement of co-accused namely Pawan Kumar from whose possession alleged recovery of illicit liquor was made. It is also submitted that petitioner found involved in one more case of similar nature as his name appears out of confessional statement/disclosure made by co-accused persons. It is further submitted that in furtherance of confessional statement nothing incriminating appears to be recovered from the possession of this petitioner, so as to connect him with the present recovery of illicit liquor. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by Bihar Homeguard personnels.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.



6. In view of the facts and circumstances as mentioned above and as there is no recovery of illicit liquor, *prima facie*, from the conscious physical possession of this petitioner, where his name appears out of suspicion on the basis of disclosure/confessional statement of co-accused, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur/concerned Court below where the case is pending in connection with Maner P.S. Case No. 184 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the



conclusion of trial, failing which,

the State shall be at liberty to

move before the Trial Court itself

for the cancellation of bail bond of

the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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