

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48867 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SUPPI District- Sitamarhi

Manohar Mandal @ Munir Patel @ Munur Son of Raktu Mandal @ Raktu
Raut, Resident of Vill- Sirahi Ward No.12, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Suppi P.S.Case No.31 of 2024, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the allegation made in the FIR, 198 Ltrs. of
Nepali Saufi liquor were seized from a vehicle bearing
Registration No.MH 04A5 5299 and two persons were
apprehended, who disclosed the name of the Driver and
allegedly the petitioner was driving the vehicle, who managed to
flee away from the place of occurrence.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has clean antecedent and
due to enmity, the arrested persons disclosed his name. The



petitioner is not associated in any manner with the co-accused, who were arrested on the spot. Learned counsel further submitted that the seized vehicle does not belong to him or it is registered in his name.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of allegation, I find it proper that the learned Exclusive Special Excise Court No.1, Sitamarhi must proceed to -

(I) Call for the report in respect of the vehicle bearing Registration No.MH 04A5 5299, as mentioned in the seizure list, from the District Transport Officer, Sitamarhi.

(II) On the basis of the said report, he must verify on his own whether the said vehicle is registered in the name of the petitioner or in the name of any of the co-accused, who were arrested on the spot.

(III) On the basis of the information gathered from the report, if it is found that the vehicle is neither registered in the name of the petitioner nor in the name of co-accused persons, who were arrested on the spot and if it is found that the vehicle is stolen one, he is directed to verify it from the Superintendent



of Police, Sitamarhi and the concerned District Transport Officer on the basis of the Registration Number, Engine Number and the Chesis Number of the vehicle involved in smuggling of illicit liquor. The petitioner has pleaded his innocence that he is in no manner connected with the co-accused.

7. Considering the aforesaid facts, I direct the learned Exclusive Special Excise Court No.1, Sitamarhi to pass fresh order without being prejudiced with the earlier order on pre-arrest bail in connection with Suppi P.S.Case No.31 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and as he deems fit and proper.

8. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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