

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68543 of 2024**

Arising Out of PS. Case No.-246 Year-2024 Thana- MAHNAR District- Vaishali

=====

Manoj Kumar @ Manoj Rai @ Manoj Kumar Rai Son of Late Jimdar Rai  
Resident of Village - Narayanpur Dedhpura, Police Station - Mahnar, District  
- Vaishali, Pin Code - 844506

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Amit Kumar  
For the Opposite Party/s : Ms.Rina Sinha

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 224-09-2024
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 offences punishable under Section 30(a) of the Bihar Excise Act.
3.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 142.38 litres of liquor from rice mill of petitioner.
4.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and after the amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away



with and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that no prudent businessman would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated and at the same time shall bring disrepute to his business.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahnar P.S. Case No. 246 of 2024 subject to the conditions as 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 antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of even one case, in that



event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

SUMIT/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

