

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75620 of 2024

Arising Out of PS. Case No.-289 Year-2017 Thana- TAJPUR District- Samastipur

Manoranjana Kumar S/o- Late Shambhunath Singh Resident of village-
Ekdanga PS- Belchhi District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No.289 of 2017, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 121 liters of wine has been subject matter of the present case. Petitioner is alleged to be the owner of the said vehicle from which recovery has been made.

4. Learned Counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is clean. Counsel



further submits that the date of lodging of the FIR is 22.09.2017 whereas the petitioner has already sold his vehicle, which is subject matter of the case, in the year 2011, particularly on 05.12.2011 itself. In support thereof he has annexed documents of the sale and the concerned affidavit from the purchaser who is nothing but one Kavita Devi wife of Sudarshan Kumar Singh. Learned Counsel further submits that though it is a case of 2017 and one of the co-accused has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 25.04.2018 passed in Cr. Misc. No.23905 of 2018. Learned Counsel further submits that the petitioner was completely unaware that he is accused but subsequently in the year 2024 it has come to his knowledge for the first time that he has also been made accused in this case being the owner of the vehicle. He moved for anticipatory bail and upon rejection by the Special Excise Court he has moved before this Hon'ble Court. Learned Counsel further submits that from the content of the FIR it becomes clear that the accused to whom anticipatory bail was granted is involved in the commission of the said illegal act.

5. Learned Additional Public Prosecutor for the State, on the other hand, opposes the prayer for bail but accepts that from the document it transpires that the petitioner has sold



his vehicle to one Kavita Devi in support of which he has attached the document.

6. In the present facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise-II), Samastipur, in connection with Tajpur P.S. Case No. 289 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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