

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79130 of 2024

Arising Out of PS. Case No.-281 Year-2024 Thana- MAHNAR District- Vaishali

Mohan Singh Son of Fekan Singh @ Phekan Singh Resident of village-
Mahindrawara Tola (Rupaasipur) Police Station- Abdul Chowk O.P. Mahnar,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-12-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. This application, for grant of anticipatory bail,
arises out of Mahnar PS case no. 281 of 2024, disclosing
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2022.
3. The prosecution case, as per the First Information
Report, is that 157.03 litres of foreign liquor has been recovered
from Bathan (cattle shed) of the co-accused Anil Singh.
4. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence.
Neither any incriminating article has been recovered from the
conscious possession of the petitioner nor from his house rather



the said liquor has been recovered from Bathan of co-accused Anil Singh, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.11.2024, passed in Cr. Misc. No. 75472 of 2024 on the ground that he agreed to deposit Rs. 10,000/- in account of Mahavir Cancer Sansthan, Patna.

5. Petitioner is also ready to deposit a sum of Rs. 10,000 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case and the fact that co-accused has been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 75472 of 2024, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Mahnar P.S. Case No. 281 of 2024, subject to the condition as laid down under Section 438 (2) of the Code of Criminal



Procedure, subject to the further condition that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- in the account of Mahavir Cancer Sansthan, Patna.

(Anil Kumar Sinha, J)

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