

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84617 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- BARGAINIA District- Sitamarhi

Manohar Rai @ Manohar Kumar Yadav Son of Siya Ram Rai Resident of
Village- Masaha Alam, P.S.- Bairganiya, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bairganiya P.S. Case No. 186 of 2024 dated 29.07.2024,
instituted for the offence punishable under Sections 30(a)(c) of
the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 281.4 litres Nepali
Saufi liquor from four bags kept on three motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner was not arrested at
the spot. The name of the petitioner has been disclosed by the
local Chaukidar and on the basis of said disclosure, the
petitioner has been made accused in this case. It is further stated



that nothing has been recovered either from the conscious possession or from the house of the petitioner. It is next submitted that petitioner is not the owner of motorcycles from which the illicit liquor was recovered. It is further stated that similarly situated co-accused person namely, Guddu Yadav @ Guddu Kumar has been granted bail *vide* order dated 23.10.2024 passed by this Court in Criminal Miscellaneous No. 72123 of 2024. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bairganiya P.S. Case No. 186 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. 1, Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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