

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86138 of 2023**

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Manjay Lal Rai @ Manjay Lal Yadav S/O Late Munni Lal Rai @ Munni Lal Yadav @ Munni Yadav R/O Village- Shitalpatti, P.S- Sarairanjan, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      03-01-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468 and 471 of the Indian Penal Code and sections 25(1-b)A, 26, 27 and 35 of the Arms Act and Section 30(a), 32(1), 32(2)/36/41(1), 45 and 62 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation in the FIR, on seeing the police party at Sahil Enterprises situated at village Kankalipur, the accused persons started firing and creating hindrance in discharging the duty to the police officials. Thereafter, police arrested some of them and seized one live cartridge from



campus of Sahil Enterprises, their vehicles and huge quantity of illicit liquor from truck and motorcycles. It is further alleged that petitioner is indulged in trade of illicit liquor.

4. It is submitted by learned counsel for the petitioner that petitioner has not committed any offence. He has been falsely implicated in this case due to police atrocities. His name came on the basis of confessional statement made by apprehended accused or identification made by the local chowkidar. No incriminating article has been recovered from the possession of the petitioner. Alleged motorcycle, truck and campus of Sahil Enterprises do not belong to the petitioner. Seizure list was not prepared at the place of occurrence rather the same was prepared at police station. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 10.5.2023 passed in Cr. Misc. No. 17934 of 2023. Petitioner is languishing in judicial custody since 8.12.2023.

5. The application for bail is opposed by learned APP for the State and submitted that twelve criminal cases are pending against the petitioner.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise)-02, Samastipur in connection with Sarairanjan P.S. Case No. 365 of 2022.

**(Sunil Kumar Panwar, J)**

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