

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12066 of 2025

Arising Out of PS. Case No.-329 Year-2024 Thana- Excise P.S. District- Samastipur

1. Manish Kumar Ray @ Manish Kumar @ Manish Ray Son of Surendra Rai @ Surendra Prasad Ray Village -Harpur Bhindi, Yadav Chouk Pokhri, PS -Tajpur, Distt -Samstipur
2. Saroj Kumar Ray @ Saroj Kumar Son of Bechan Ray Village -Harpur Bhindi, Yadav Chouk Pokhri, PS -Tajpur, Distt -Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khushi Awadh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. A perusal of the first information report and the seizure list would go to show that 34.560 liters of foreign liquor has been recovered from the hut like structure situated at the side of the road.

4. Learned counsel for the petitioners submits that the name of the petitioners have been surfaced in this case on some confidential information given by the village Chaukidar due to



animosity. The place of recovery, which is a hut, is at thickly populated area besides the road and the petitioners are not concerned with the said hut like structure. There is no recovery from the physical or conscious possession of the petitioner and the mandatory provisions of search and seizure have been violated as there is no independent witness.

5. Learned APP for the State opposes the prayer of anticipatory bail and submits that petitioners have four criminal antecedents each to which learned counsel for the petitioners responds that the petitioners have already been granted bail in the said cases.

6. Considering the abovementioned facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Samastipur Sadar Excise P.S. Case No.329 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



and subject to the further condition that:-

(i) The petitioners shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(iii) The petitioners are directed to make their presence before the Officer-in-Charge of the concerned Police Station at the interval of 15 days till the submission of the charge-sheet.

(Soni Shrivastava, J)

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