

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27590 of 2025

Arising Out of PS. Case No.-778 Year-2024 Thana- MANER District- Patna

Monu Kumar S/o Mahesh Ray Resident of village- Goraiya, P.S.- Maner,
Distt.- Patna Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewanand Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Maner P.S. Case No. 778 of 2024 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 13.11.2024 by the informant, Prakash Dubey.

3. As per the prosecution story, the informant alleged as information that the accused brought wine their house, raided the place and there is recovery/seizure of 105.75 liters of wine from the 'Verandah'. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been arrested. The recovery/seizure is from an open place/the 'Verandah' of the house and not from his conscious possession. He is ready to diligently appear in the trial. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner is ready to contribute Rs.15,000- for the beautification/flower pots for Sub-Divisional Court, Danapur



through District Legal Services Authority, Patna through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also that nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment Rs.15,000- for the beautification/flower pots for Sub-Divisional Court, Danapur through District Legal Services Authority, Patna through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Maner P.S. Case No. 778 of 2024 to the satisfaction of learned Special Excise Judge, Danapur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Patna for his perusal and needful.

(Rajiv Roy, J)

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