

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13666 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MASHRAK District- Saran

MANJIT SHAW S/O KAPILDEO SHAW R/O Vill./Mohalla- Turta, P.S.-
Kutumba, Dist.- Aurangabad. Presently Posted as Sub Inspector at Excise P.S.
Mashrakh, P.S.- Mashrakh, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13713 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MASHRAK District- Saran

Anil Sah S/o Nagina Sah R/o vill- Ramnagar Bankat, P.O.- Ramnagar Bankat,
P.s.- Majhoulia, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13902 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MASHRAK District- Saran

ASHOK KUMAR S/O JAGDISH YADAV R/O Vill./Mohalla- Tekuna, P.S.-
Bodhgaya, Dist.- Gaya. Presently Posted as Assistant Sub Inspector at Excise
P.S. Mashrakh, P.S.- Mashrakh, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 13666 of 2025)
For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Raj Kishor Singh
(In CRIMINAL MISCELLANEOUS No. 13713 of 2025)
For the Petitioner/s : Mr.Kumar Amit
For the Opposite Party/s : Mr.Damodar Prasad Tiwary
(In CRIMINAL MISCELLANEOUS No. 13902 of 2025)
For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Raj Kishor Singh



CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. All the three cases are being taken up together as
they arise out of the same P.S. Case.

3. The petitioner apprehends their arrest in a case
registered for the offences punishable under Section 30(a) and
37 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation in the First Information Report is
that some of the police officers were indulging in having liquor
within the premises of Mushrakh Police Station and were
having a party. Upon information, a raid was conducted at the
Police Station from where three persons, namely Sunil Kumar,
Santosh Kumar, and Kundan Kumar, were taken into custody
and after breath analyzer test, they were found to be drunk.
Further, S.H.O. of the said Police Station disclosed that along
with him other police officers and some unknown persons were
also having liquor, including Manjit Saw, petitioner in Cr. Misc.
No.13666 of 2025 and Ashok Kumar, petitioner in Cr. Misc.
No.13902 of 2025. From the First Information Report, it would
be disclosed that 3.510 liters of foreign liquor was recovered
from the room of some accused persons.



5. It is argued on behalf of the petitioner Manjit Shaw that although his name figures in the body of the First Information Report, he has not been named in the accused column as an accused. There is no recovery from the physical and conscious of the petitioner. As a matter of fact he was not present at the police station but was present at his residence. There is also one criminal antecedent on the petitioner, Manjit Shaw.

6. It has been submitted by learned counsel on behalf of the petitioner Ashok Kumar that he has also been named in the First Information Report to be present at the premises and it has been stated that 3.10 litres of foreign liquor has been alleged to be recovered from his room. Learned counsel for the petitioner submits that the petitioner was not present at the said premises and he was also present in his house in which he has been living on rent. The recovery from his room also is not correct as no such room is allotted to the Police Officers in the Police Station. There is no recovery from the personal or conscious possession of the petitioner.

7. On behalf of the learned counsel appearing for the petitioner Anil Sah, it has also been submitted that the petitioner was not present at the Police Station and had rather given an



application for leave on 21.01.2025 to the S.H.O. of the Excise Police Station as his wife was not keeping well. The petitioner had taken his wife at the local clinic Bettiah on 21.01.2025 and had stayed there on the alleged date of incident. There is no recovery from the physical or conscious possession of the petitioner and the petitioner has no criminal antecedent.

8. Learned counsel for the APP has however, submitted that petitioners are all Police Officers holding responsible posts and hence they should not be allowed the privilege of anticipatory bail. So far as the petitioner Manjit Shaw and petitioner Ashok Kumar are concerned, they have been made an accused in one more case, a week after the date of present F.I.R., but not of the same nature and it is in connection with the present case. However, so far as the petitioner Anil Sah is concerned, he has no criminal antecedent. It has also been submitted that the persons, who are apprehended in the Police Station have been all granted the privilege of regular bail.

9. In any view of the matter, the petitioners are all Police Officers and there is an allegation upon them of not only committing breach of law but also misuse of their positions of authority. Learned counsel for the petitioner has however, submitted that the petitioners have already been suspended and



a departmental proceeding has already been initiated against them.

10. At this stage, the petitioners offer to deposit a sum of Rs. 25,000/- each in Mahavir Cancer Sansthan, Patna, bearing Account No. 3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

11. Considering the above facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Saran at Chapra, District Chapra, in connection with Mushrakh P.S. Case No.21 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the



criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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