

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25244 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- BAKHTIYARPUR District- Patna

Manish Kumar @ Vasa S/o Atul Ram Resident of Village- Belthan, PS-
Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 16-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

3. As per the prosecution case, there is a recovery of 9 litres of illegal wine from a scooty.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case by a disclosure made by the local chaukidaar and the co-villagers on the ground that the scooty is registered in the name of the wife of the petitioner. It has been submitted that the brother of the petitioner had taken the said vehicle for some urgent work and the petitioner had no knowledge whatsoever that the vehicle had



been put to such illegal use. There is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure. No recovery has been made from the physical and conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that there are three criminal antecedent not of similar nature, in response to which learned counsel for the petitioner submits that he is on bail in all the said cases.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his 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 Court, Barh, in connection with Bhaktiyarpur P.S. Case No.15 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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