

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34295 of 2025**

Arising Out of PS. Case No.-163 Year-2023 Thana- DIGHA District- Patna

Manish Kumar @ Aryan Raj S/O Satya Narayan Yadav @ Satya Narayan Rai  
R/O Mohalla- Mariam Colony, XTTI, PS- Digha, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Suraj Bans Roy, Advocate  
For the Opposite Party/s : Mrs.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      20-05-2025                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

**2.** The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Digha P.S. Case No. 163 of 2023 registered for the offences punishable under Sections 30(a)/37 of the Bihar Prohibition and Excise Act.

**3.** The allegation against the petitioner is to have in possession of **30.380 litres** of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

**4.** Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the bushes developed near roadside, which is an open place accessible by general public. It is submitted that



name of the petitioner transpired on the basis of secret input as received from an unknown person. Learned counsel submitted that in view of same, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is pointed out that petitioner found involved in one more criminal case of different nature, wherein he is on bail.

**5.** Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

**6.** In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Patna, in connection with Digha P.S. Case No. 163 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2)



of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(i) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

**(Chandra Shekhar Jha, J)**

Rajeev/-

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