

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36315 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- OBRA District- Aurangabad

Manish Kumar S/O Rajendra Sharma R/O Vill.- Deokali, P.S. Obra, Dist.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Leelawati Kumari, Advocate
		Mr. Aman Vishal, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 29-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the first information report and the seizure list would go to show that a total 300.05 liters of foreign liquor is said to have been recovered from a room of the house which belongs to co-accused, Chetak Kumar.

4. Learned counsel for the petitioner submits that the petitioner was not caught on the spot and nothing has been recovered from the physical or conscious possession of the petitioner. The petitioner has been made accused in this case



merely on suspicion on a tip off. There is violation of mandatory provisions of the search and seizure as there is no independent witness to the seizure. It is further submitted that two similarly situated co-accused have been enlarged on regular bail by this Court vide orders dated 26.05.2025 and 28.05.2023 passed in Cr. Misc. No.35558 of 2025 and Cr. Misc. No. 35803 of 2025 respectively.

5. Learned APP for the State opposes the prayer for bail on the ground that the petitioner has one criminal antecedent of similar nature of the offence. However, it is submitted on behalf of the petitioner that the petitioner is on bail in the said case.

6. Taking into consideration the above-mentioned facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, 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) 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 Obra P.S. Case No.129 of 2025, subject to the condition as laid down



under Section 482 (2) of the B.N.S.S. and subject to the further condition that :

(i) the petitioner shall cooperate in the investigation/trial.

(ii) The petitioner will appear before the Investigating Officer of the Police Station concerned once in a week till the submission of charge-sheet.

(Soni Shrivastava, J)

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