

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65009 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- DERNI BAZAR District- Saran

Manish Kumar, S/o- Mithu Ray @ Rameshwar Ray R/o Village - Sutihar
Bathani, P.S. - Derni, Dist. - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Nalin Kumar, learned counsel for the
Petitioner and Mr. Binod Kumar No.3, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Derni P.S. Case No. 149 of 2025 dated 22.06.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred as 'Excise Act').

3. The main submissions advanced by the petitioner's counsel are that the instant matter relates to the recovery of 1.5 litres of English Wine from a bamboo orchard at village- Sutihar Bathani to which petitioner has no concern and the prosecution's allegation with regard to showing the petitioner's involvement in the alleged offence is based solely on the disclosure made by the police chowkidar and the villagers, except this, there is no material to show the petitioner's involvement in the commission of the alleged offence under which the FIR has been registered and the



alleged offence does not attract even *prima facie* against the petitioner, hence, his prayer for anticipatory bail is not hit by the provisions of Section 76(2) of the Excise Act. It is lastly submitted that the petitioner bears no criminal antecedent.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. In the facts and circumstances of this case, as well as considering the submissions as stated above, coupled with the clean antecedent of the petitioner, in my opinion, the petitioner deserves the relief of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Derni P.S. Case No. 149 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

