

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76398 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- NAYAGAON District- Saran

Manoj Kumar S/O Shankar Ray R/O Village- Lahalahad Chowk, P.S.-
Nayagaon, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munna Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedents of three cases and allegation is of
recovery of 22.32 litres of liquor from a motorcycle and a
Scooty. It is next submitted that petitioner was not arrested from
the spot, as such, nothing was recovered from his conscious
possession and he came to be implicated based on the fact that
he is owner of the seized Scooty. It is next submitted that no
prudent person would use his own vehicle for committing a
crime and thus, would create evidence against himself and



hence, would get implicated.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Nayagaon P.S. Case No.143 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found



that petitioner has antecedents of only three cases, in that event,
the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

Sanjay/-

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