

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75717 of 2025**

Arising Out of PS. Case No.-63 Year-2025 Thana- GARKHA District- Saran

1. Manoj Rai S/o Dhaneshwar Rai R/o vill - Zilkabad Mathiya, P.S.- Garkha, Distt.- Saran at Chhapra
2. Amiraka Rai @ Vinod Rai S/o Late Mishri Rai R/o vill - Zilkabad Mathiya, P.S.- Garkha, Distt.- Saran at Chhapra
3. Tufani Rai @ Pappu Kumar S/o Balam Rai @ Raj Balam Rai R/o vill - Zilkabad Mathiya, P.S.- Garkha, Distt.- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate  
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      17-11-2025                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 have antecedent of one case and petitioner no. 3 has antecedent of three cases and allegation is of recovery of 110 litres of liquor from Chawar of Mathiya Village.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is next submitted that since petitioners have antecedent under the Excise Act, as such, they came to be implicated at the instance of the Chawkidar with a view to save the real culprits. It is also submitted that police in mechanical manner investigate and implicate the innocent persons.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Garkha P.S. Case No. 63 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioners no. 1 and 2 have antecedent of more



than one case and petitioner no. 3 has antecedent of more than three cases, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioners no. 1 and 2 have antecedent of only one case and petitioner no. 3 has antecedent of only three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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