

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1657 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- SRINAGAR District- West Champaran

Bihari Manjhi @ Lal Bihari S/o Late Parshuram Manjhi R/o Village-
Jagdambapur Musahari Tola, P.S.- Srinagar, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Srinagar P.S. Case No. 143 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (amended).

3. The learned Counsel submits that the petitioner has antecedent of one case and the allegation is of recovery of one litre of liquor from the house of the petitioner. It is next submitted that the petitioner was not arrested from the spot and as such nothing was recovered from his conscious possession. It is also submitted that after amendment in the Excise Act in the year 2018, the concept of possession and presumed offender has been done away with, as such, it cannot be alleged with certainty that it was the petitioner who kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 from today, be released on **Provisional Anticipatory Bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Srinagar P.S. Case No. 143 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that the petitioner has more than one antecedent in that event the provisional anticipatory bail shall not be confirmed, but if on verification if it is found that the petitioner has antecedent of only one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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