

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1506 of 2025

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

1. Hulas Manjhi Son of Chanar Manjhi village- Jagdambapur Musahari Tola, ps- Srinagar, Dist- West Champaran
2. Meena Devi wife of Nandlal Manjhi village- Jagdambapur Musahari Tola, ps- Srinagar, Dist- West Champaran
3. Lalbabu Manjhi @ LalBabu Son of Chanar Manjhi village- Jagdambapur Musahari Tola, ps- Srinagar, Dist- West Champaran
4. Pratima Devi Wife of Ramshish Manjhi village- Jagdambapur Musahari Tola, ps- Srinagar, Dist- 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. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioners apprehend their 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 petitioners are persons with clean antecedents and petitioner nos. 2 and 4 are women and the allegation is of recovery of 9.6 litres of liquor from the house of the accused persons including the petitioners

and from a rice field. The learned Counsel next submits that the petitioners were not arrested from the spot and as such nothing was recovered from their 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 liquor kept in the house was within the knowledge of the petitioners or the petitioners have concealed the liquor in the house. It is next submitted that the name of the petitioners transpired based on the confessional statement of the apprehended accused in police custody which does not have any evidential value.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 petitioners and in the event if it is found that the petitioners have antecedent of even one case in that event the provisional anticipatory bail order shall not be confirmed, but if on verification if it is found that the petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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