

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.767 of 2026

Arising Out of PS. Case No.-426 Year-2025 Thana- SIRDALA District- Nawada

Heera Lal Manjhi @ Heera Manjhi S/o- Late Sarju Manjhi R/v- Narauli
Mushahri Ps- Sirdalla Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Adv
Mr. Swrya Burnwal, Adv
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-01-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
41 of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of five cases out of which four cases
are under the Excise Act and allegation is of recovery of 410
litres of liquor from the house of Vijay Manjhi, 250 litres of
liquor from the house of Tuntun Manji and 380 litres of liquor
from the house of the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was



recovered from his conscious possession and after 2018 amendment in the Excise Act, the concept of deemed possession and presumed offender has been done away with. It is next submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner who had kept the liquor in the house or the liquor kept in the house was within knowledge of the petitioner and he came to be implicated at the instance of Chowkidar, but then it is submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

6. 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 trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) 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 Sirdalla P.S. Case No. 426 of 2025, subject to the conditions as laid down under Section



482(2) of the BNSS.

7. 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 petitioner has antecedent of more than five cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of five cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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