

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4307 of 2026

Arising Out of PS. Case No.-861 Year-2025 Thana- MANER District- Patna

1. Arjun Rai S/o Deenanath Roy Resident of Village - Heera Tola, Sherpur, P.S.- Maner, District - Patna
2. Deepak Kumar S/o Arun Rai Resident of Village - Heera Tola, Sherpur, P.S.- Maner, District - Patna
3. Raghu Rai @ Gunga Rai S/o Niwas Rai Resident of Village - Heera Tola, Sherpur, P.S.- Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Smita Shreeyash, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2026 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 Act.

3. Learned counsel for the petitioners submits that petitioners no. 1 and 2 have antecedent of one case under the Excise Act and petitioner no. 3 is a person with clean antecedent and allegation is of recovery of 880 litres of liquor from two different breweries.

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 nor petitioners are owner of any of the breweries. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case.

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.5,000/- (Rupees Five 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 Maner P.S. Case No. 861 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the



BNSS.

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 even one case, 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 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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