

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4509 of 2026

Arising Out of PS. Case No.-395 Year-2025 Thana- BAHERI District- Darbhanga

1. Rajesh Manjhi @ Rajesh Kumar Manjhi S/O Vinod Manjhi R/O Village - Amata, P.S - Baheri, District - Darbhanga, Bihar.
2. Phoolo Manjhi @ Phulo Kumar Manjhi S/O Jagdeesh Manjhi R/O Village - Amata, P.S - Baheri, District - Darbhanga, Bihar.
3. Jagdeesh Manjhi @ Jagdish Manjhi S/O Prameshwar Manjhi R/O Village - Amata, P.S - Baheri, District - Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner nos.1 and 2 have antecedent of one case and petitioner no.3 is a person with clean antecedent and the allegation is of recovery of 8.5 litres of liquor from the house of the accused persons including the petitioners.
4. The 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 house in question is a joint family property and thus, it cannot be alleged with certainty that it were the petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation, more so when person is already implicated in a case relating to excise from before.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum 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 Baheri P. S. Case No.395 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner nos.1 and 2 have antecedent of more than one case and petitioner no.3 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner nos.1 and 2 have antecedent of one case only and petitioner no.3 has antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

9. At this stage, the learned counsel appearing on behalf of the petitioner based on instruction submits that petitioner undertakes to deposit an amount of Rs.2500/- with Lawyers' Association, Patna High Court, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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