

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3594 of 2026

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

1. Ajay Rai @ Ajay Kumar Son of Bhagwan Rai R/o - Hira Tola, Sherpur(Bardhpur), P.S. - Maner, Dist. -Patna.
2. Sanjay Rai @ Sanjay Kumar Sons of Bhagwan Rai R/o - Hira Tola, Sherpur(Bardhpur), P.S. - Maner, Dist. -Patna.
3. Akhlesh Rai @ Akhlesh Kumar @ Aklesh Kumar Son of Harihar Rai @ Harihar Prasad R/o Chakia Tola, Khaspur, P.S. - Maner, Dist. -Patna.
4. Sudarshan Rai Son of Nirekhan Rai R/o Shrpur, Bandhpur, P.S. - Maner, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-01-2026 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, 2 and 3 have antecedent of one case under the Excise Act and petitioner no. 4 is a person with clean antecedent and allegation is of recovery of 830 litres of liquor from two different places as recorded in the FIR.
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. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar but then it is submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. 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, 2 and 3 have antecedent of more than one cases and petitioner no. 4 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, 2 and 3 have antecedent of only one case and petitioner no. 4 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner based on instruction submits that petitioners undertake to deposit an amount of Rs.3,000/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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