

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6397 of 2026

Arising Out of PS. Case No.-392 Year-2025 Thana- PHULPARAS District- Madhubani

Manoj Yadav @ Manoj Kumar Yadav Son of Lakshmi Yadav @ Lakshmi
Narayan Yadav Resident of Village- Inarwa, Ward No. 05, P.S.- Phulparas,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-02-2026 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section 30(a)
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent five cases under the Excise Act and
allegation is of recovery of 936 litres of liquor from an old house
of the petitioner.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the house in
question is a joint family property and thus, it cannot be alleged
with certainty that it was the petitioner, who had kept the liquor in



the house or the liquor kept in the house was within his knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that the house from which the alleged recovery is said to have made is not inhabited by the family members, since it is an old house and is in a dilapidated condition and he came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation. It is next submitted that petitioner earlier also came to be implicated in similar manner.

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

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 Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum 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 G.R. No.581 of 2025 arising out of Phulparas P. S. Case No.392 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 petitioner 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 obtaining anticipatory bail had concealed his 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 has antecedent of five cases only, 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.7500/- with Advocates' Association, Patna High Court, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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