

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5315 of 2026

Arising Out of PS. Case No.-860 Year-2025 Thana- MANER District- Patna

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1. Surendra Kumar @ Kariya @ Surendra Rai Son of Dev Sahay Rai R/o Village - Chakiyaz Tola, Chitnawan, Bagicha, P.S. - Maner, Dist. - Patna.
 2. Manoj Kumar @ Manoj Rai Son of Krishna Rai R/o Village - Chakiyaz Tola, Chitnawan, Bagicha, P.S. - Maner, Dist. - Patna.
 3. Munijee @ Kapil @ Kapil Rai Son of Jagdish Rai R/o Village - Chakiyaz Tola, Chitnawan, Bagicha, P.S. - Maner, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2026 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 offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of three cases out of which one
case is under the Excise Act and petitioner nos. 2 and 3 have
antecedent of one case out of which against petitioner no. 2 is
under the Excise Act and allegation is of recovery of 1000 litres
of liquor from a motorcycle.



4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not owners of the seized vehicle and they came to be implicated based on confessional statement of apprehended-accused in police custody which does not have any evidentiary value. It is further 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 petitioners.

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 trial court within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen 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. 860 of 2025 subject to the conditions as laid down under Section Section 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 in the event if it is found that petitioner no. 1 has antecedent of more than three cases and petitioner nos. 2 and 3 have antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of three cases and petitioner nos. 2 and 3 have antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, the learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs. 6,000/- with Patna High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

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