

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9715 of 2026

Arising Out of PS. Case No.-548 Year-2025 Thana- HISUWA District- Nawada

MANISH BHARTI @ MANISH KUMAR @ MANISH KUMAR BHARTI
S/o- Uday Singh @ Budhan Singh R/v- Hadsa Ps- Hisua Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Hisua P.S. Case No. 548 of 2025 registered for
the offences punishable under Sections 30(a) and 41 of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 228 litres of IMFL/country made liquor from the
alleged tempo.

4. Learned counsel appearing on behalf of the petitioner
submitted that petitioner is neither owner nor driver and not
connected in any manner with the alleged tempo. It is submitted
that alleged recovery of illicit liquor was made from the tempo,



which is accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. Explaining criminal antecedent of the petitioner, it is submitted that petitioner found involved in 16 more criminal cases and in most of the cases he is on bail. It is submitted that if merit of the case is otherwise convincing in favour of the petitioner merely on the basis of criminal antecedents, the prayer of bail ordinarily should not be declined. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Nawada/concerned Court, where the case is



pending in connection with Hisua P.S. Case No. 548 of 2025,
subject to the conditions as laid down under Section 482(2) of the
BNSS.

(Chandra Shekhar Jha, J)

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