

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9877 of 2026

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

-
1. Dev Rai @ Rajdeo Rai S/o Sohan Rai R/o Village- Chakiya Tola Chitnawan,
PS- Maner, District- Patna
 2. Dinesh Rai S/o Late Chanarik Rai R/o Village- Chakiya Tola Chitnawan,
PS- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-04-2026 1. Heard learned counsel for the petitioners and learned
APP for the State.
2. The learned counsel for the petitioners seeks
permission to withdraw the present anticipatory bail application
with respect to petitioner no.1, namely, Dev Rai @ Rajdeo Rai,
who during pendency of the same, was arrested.
3. Permission is accorded.
4. Accordingly, instant petition is dismissed as
withdrawn with respect to petitioner no.1, namely, Dev Rai @
Rajdeo Rai.
5. The petitioner no.2 seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.



6. The learned counsel for the petitioner submits that inadvertently at Para-3, it has been pleaded that petitioner no.2 is a person with clean antecedent when he has antecedent of one case as pleaded in the supplementary affidavit. It is next submitted that allegation is of recovery of 880 litres of liquor from Sherpur Bhadar area.

7. 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 alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chaukidar with whom he is on an inimical term. It is further submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution. It is next submitted that it appears that the Chaukidar in order to save the real culprit falsely implicated the petitioner.

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

9. Considering the submissions made by the learned counsel for the petitioner, the **petitioner no.2**, 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.5,000/- (Rupees 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 Maner P. S. Case No.861 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. 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 even one case, 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 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

