

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16957 of 2026

Arising Out of PS. Case No.-208 Year-2024 Thana- GAYA MUFASIL District- Gaya

MANISH KUMAR Son of Arun Yadav @ Arun Kumar Resident of Village -
Lamkani Binda, Police Station - Mohanpur in the district of Gaya Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 in connection with Mufassil P.S.Case No. 208 of 2024.

3. As per the allegation, the petitioner along with another accused person was in trade of illegal liquor. On being alerted, the police during search, recovered 24 litres Beer kept in 48 bottles.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is a person of clean antecedent and has been dragged into this case on the basis of disclosure made



by co-accused Raushan Kumar.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that the petitioner was not apprehended on the spot and, therefore, no recovery has been made from the conscious physical possession of the petitioner and further given the fact that the search and seizure memo has not been signed by two independent witnesses which puts a question mark on the legality and validity of the seizure itself and also the fact that the petitioner bears the clean antecedent, I am inclined to grant him the privilege of anticipatory bail.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on 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 Excise Court No.1, Gayaji in connection with Mufassil P.S.Case No. 208 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/



trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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