

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21644 of 2026

Arising Out of PS. Case No.-927 Year-2021 Thana- MANER District- Patna

Harendra Kumar @ Kaju Manjhi S/o Raju Manjhi Resident of Village-
Mahuari Bagicha, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-04-2026 Heard Mr.Sheo Kumar Prasad, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Maner P.S. Case No. 927/2021 for the offences registered under section 30(a), 37(b), 37(c) of the Excise Act lodged on 16.11.2021 by the informant, Shambhu Kumar Chaudhary.

3. As per the prosecution story, the Police on information reached the place and recovered/seized 15 liters of country made liquor from the hut of this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, it is the joint house.

5. Further submission is that one Rajesh Kumar Sinha



was arrested from the spot itself. Last submission is that he do not have criminal antecedent.

6. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

7. Learned AP opposes the prayer submitting that his name has cropped up because the hut is owned by him.

8. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also the fact that Rajesh Kumar Sinha was arrested, he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each in connection with Maner P.S. Case No. 927/2021 to the satisfaction of learned Special Excise Judge, Danapur, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every day for one month and later every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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