

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24414 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- KOTWALI District- Patna

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Mannu @ Abhimanyu @ Abhimanyu Kumar @ Abhimanyu Paswan Son of
Indal Paswan Resident of Mohalla - Kamla Nehru Nagar, Ward No. 21, Police
Station - Kotwali, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saumya Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of nine cases out of which seven
cases are under the Excise Act and allegation is of recovery of
13.580 litres of liquor from the house of the petitioner.
4. 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 the house in
question is a joint family property and thus, it cannot be alleged



with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is also asserted and submitted that liquor was not recovered from the house but adjacent to the house and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, 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.45,000/- (Rupees Forty 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 Patna Kotwali P. S. Case No.128 of 2026,
subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

8. 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 more than nine cases,
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 has antecedent of nine cases only, in that event,
the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

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