

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28706 of 2026

Arising Out of PS. Case No.-234 Year-2017 Thana- AIRPORT District- Patna

Manoj Kumar, Son of Rajendra Ray @ Rajendra Prasad Rai, Resident of
Rastriya Ganj, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Hawaii Adda P.S. Case No.234 of 2017, registered under Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, co-accused Dharmendra Kumar was apprehended while riding a motorcycle and from his possession, recovery of 2 liters of country made *mahua* liquor was made and the co-accused was found in inebriated condition. The petitioner is said to be the owner of the motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from the person/possession of the petitioner. The apprehended co-accused borrowed the motorcycle of the petitioner for some urgent need and, thereafter, the motorcycle was seized as co-accused was found carrying illicit liquor and was also found in inebriated condition. The petitioner has no concern with the seized liquor. The learned counsel further submits that in these facts and circumstances, no offence under the Excise Act is made out against the petitioner. The petitioner is having clean antecedent.

5. The learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the possibility of false accusation and also considering the clean antecedent of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise-1, Patna/court concerned, in connection with
Hawai Adda P.S. Case No. 234 of 2017, subject to the condition
laid down under Section 482 (2) of the BNSS, 2023 and other
following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

