

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31129 of 2026

Arising Out of PS. Case No.-59 Year-2026 Thana- SAKURABAD District- Jehanabad

1. Munna Kumar @ Munna Manjhi S/O Suresh Manjhi R/O Vill - Ratna Manjhi Tola, P.s - Shakurabad, Dist- Jehanabad (Bihar)
2. Sarjun Manjhi @ Arjun Manjhi S/O Suresh Manjhi R/O Vill - Ratna Manjhi Tola, P.s - Shakurabad, Dist- Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sonam Kumari

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases out of which one
case is under the Excise Act and petitioner no. 2 has antecedent
of three cases under the Excise Act and allegation is of recovery
of 15 litres of liquor from the house of Ajay Manjhi, 15 litres of
liquor from of liquor from the house of Munna Manjhi
(petitioner no. 1) and 30 litres of liquor from the house of Sarjun
Manjhi (petitioner no. 2).

4. Learned counsel for the petitioners submits that the



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the house in question is a joint family property as such it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within knowledge of the petitioners. It is next submitted that after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each 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 Sakurabad P.S. Case No. 59 of 2026, subject to the conditions as laid down under Section Section



482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has antecedent of more than three cases then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners seeks permission to make rectification at para-6 of the anticipatory bail application.

9. Permission is accorded.

(Satyavrat Verma, J)

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