

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36605 of 2026

Arising Out of PS. Case No.-122 Year-2026 Thana- EXCISE SHERGHATI District- Gaya

Manish Kumar Son of Arjun Malakar Resident of Village - Gola Bazar, P.S.-
Sherghati, Distt.- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Excise Sherghati P.S. Case No. 122 of 2026 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 54.750 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not connected with the alleged seized motorcycle in any manner, which was said to be used in carrying of illicit liquor. It is submitted that admittedly recovery of illicit liquor was not made from conscious physical



possession of this petitioner. While concluding argument, it is submitted that petitioner found involved in three criminal cases, in which he is on bail.

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

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, Gaya/concerned court in connection with Excise Sherghati P.S. Case No. 122 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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