

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38516 of 2026

Arising Out of PS. Case No.-347 Year-2026 Thana- MADHAURAH District- Saran

1. Sanjay Kumar @ Sanjay Manjhi Son of Shiv Nath Manjhi Resident of village- Bardhiya /Bardahia, Ps- Madhaurah/ Marhowrah/ Marhuara, Dist- Saran at Chapra
2. Ramesh Manjhi son of Shiv Nath Manjhi Resident of village- Bardhiya /Bardahia, Ps- Madhaurah/ Marhowrah/ Marhuara, Dist- Saran at Chapra
3. Krishna Manjhi Son of Shiv Nath Manjhi Resident of village- Bardhiya /Bardahia, Ps- Madhaurah/ Marhowrah/ Marhuara, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-06-2026 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases out of which two cases are under the Excise Act and petitioner nos.2 and 3 have antecedent of two cases out of which one case is under the Excise Act and the allegation is of recovery of 11 litres of liquor from a place behind the house of the petitioners along with 30 litres of



raw material was destroyed at the spot.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioners, but then, is adjacent to their house and he came to be implicated at the instance of Chaukidar with whom he is on an inimical term. It is further submitted that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution. 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 petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum 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 Madhaurah/Marhowrah/ Marhuara P. S. Case No.347 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 petitioners 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 three cases and petitioner nos.2 and 3 have antecedent of more than two cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedent of only three cases and petitioner nos.2 and 3 have antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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