

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44563 of 2026

Arising Out of PS. Case No.-96 Year-2026 Thana- Manuapul District- West Champaran

1. Mangni Devi @ Mangani Devi @ Premshila Devi W/O Vinod Chaudhari
Resident of village- Patarakha, PS- Manuapul, Distt.- West Champaran
2. Shambhu Manjhi S/O Viyaf Manjhi Resident of village- Patarakha, PS-
Manuapul, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar Sharma
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-07-2026 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. In view of the submission made by learned counsel
for the petitioners, the defect as pointed out by the office is
hereby ignored.

4. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases under the Excise
Act and is a woman and petitioner no. 2 is a person with clean
antecedent and allegation is of recovery of 21 litres of liquor
from the house of petitioner no. 2 and 6 litres of liquor from a
place behind the house of petitioner no. 1.



5. 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 even the alleged recovery of 6 litres of liquor is from a place which does not belong to the petitioner no. 1 but then is adjacent to her house and as far as 21 litres of liquor is alleged to have been from the house of petitioner no. 2, it is submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioner no. 2 who had kept the liquor in the house or the liquor kept in the house was within his knowledge. 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 at the instance of *Chowkidar* with whom they are on an inimical term.

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

7. 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. 10,000/- (Rupees Ten 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 Manuapul P.S. Case No. 96 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

8. 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 even one case 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 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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