

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54737 of 2021**

Arising Out of PS. Case No.-221 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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MANOJ SINGH Son of Late Ramayan Singh @ Ramayan Prasad Resident of
Village- Rasulpur, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 28-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has submitted the hard copy with requisite Court-fee
yesterday. It is further submitted that rest of the defects, as
pointed out by the office, be ignored.

4. Since the hard copy along with requisite fee as
submitted, the rest of the defects are hereby ignored.

5. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 2769.120 litres of liquor from the shop of the



petitioner.

6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and though in the FIR, it is alleged that the liquor was recovered from the shop of the petitioner but then the same was recovered from a place adjacent to the shop of the petitioner but then at the instance of the Chawkidar with whom petitioner is on an inimical term came to be implicated showing the place of recovery as shop of the petitioner. It is further submitted that no prudent person would use his own shop for committing an occurrence and, thus, would create evidence against himself and, hence, would get implicated and at the same time, shall bring disrepute to his business.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) 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 Excise Case No. C - III - 221 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

9. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed his antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner 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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