

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52732 of 2026

Arising Out of PS. Case No.-387 Year-2019 Thana- SAHPUR District- Patna

1. Punit Kumar @ Punit Manjhi S/O Yogendra Manjhi @ Jogendra Manjhi R/O Vill.- Gurgawan Bari Mushhari, P.s.- Shahpur, Dist.- Patna.
2. Ghurmi Devi @ Lalti Devi @ Ghurmit Devi W/O Late Prakash Manjhi R/O Vill.- Gurgawan Bari Mushhari, P.s.- Shahpur, Dist.- Patna.
3. Guddu Manjhi S/O Sanjay Manjhi R/O Vill.- Gurgawan Bari Mushhari, P.s.- Shahpur, Dist.- Patna.
4. Sanjay Manjhi S/O Kameshwar Manjhi R/O Vill.- Gurgawan Bari Mushhari, P.s.- Shahpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2026 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. Learned counsel for the petitioners submits that the
petitioner nos. 1 and 4 have antecedent of one case and
petitioner nos. 2 and 3 are persons with clean antecedent and
petitioner no. 2 is a woman and allegation is of recovery of 20
litres, 20 litres, 10 litres, 10 litres and 10 litres of liquor from the



house of petitioner no. 1, petitioner no. 2, petitioner no. 3, petitioner no. 4 and Dharmendra respectively.

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 houses in question are 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 at the instance of local people, but then it is submitted that it does not appear probable that local people would have known who had concealed the liquor in the house.

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. 5,000/- (Rupees Five 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 Shahpur P.S. Case No. 387 of 2019 subject to the conditions as laid down under 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 nos. 1 and 4 have antecedent of more than one case and petitioner nos. 2 and 3 have 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 nos. 1 and 4 have antecedent of one case and petitioner nos. 2 and 3 are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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