

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48070 of 2026**

Arising Out of PS. Case No.-77 Year-2026 Thana- OBRA District- Aurangabad

Manish Kumar Son of Jagdish Ram Resident of village-Vishanpura, P.S-Obra,  
Distt-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                  |
|--------------------------|---|--------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mrs. Kumari Pallavi, Advocate<br>Mr. Manoj Kumar Pandey, Advocate<br>Mr. Anjali Kumari, Advocate |
| For the Opposite Party/s | : | Mr. Sangeeta Sharma                                                                              |

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      22-07-2026                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Obra P.S. Case No.77 of 2026, F.I.R dated 27.02.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 27.02.2026, while on patrol duty, the police received secret information that the petitioner, Manish Kumar, was illegally selling liquor from his house. Acting on the information, the police raided his residence at about 8:25 p.m., where a person allegedly fled from the rear window and escaped despite an attempt to apprehend him. The local villagers and the village chowkidar identified the escaped person as the petitioner. During the search of the house, the police allegedly recovered 20 litres of Nepali Mahua liquor,



following which a seizure list was prepared.

4. Learned counsel for the petitioner submits that the seized liquor is said to have been recovered from a house, which is in joint possession of the petitioner and the petitioner is in no way connected with the seized articles and the petitioner has one criminal antecedent but is on bail in the said case. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and the petitioner has one criminal antecedent but is on bail in the said case, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise-II, Aurangabad, in connection with Obra P.S. Case No.77 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Ajit Kumar, J)**

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