

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49760 of 2026

Arising Out of PS. Case No.-169 Year-2026 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Geeta Devi W/o Banaras Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.
 2. Shyamlal Manjhi @ Shyamal Manjhi S/o Late Saguni Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.
 3. Shivnath Manjhi S/o Shree Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.
 4. Ramesh Manjhi S/o Late Bahadur Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.
 5. Ramprasad Manjhi S/o Kanu Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.
 6. Bainath Manjhi S/o Late Saguni Manjhi R/o Village - Madhubani Ghat, P.S. - Muffasil, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2026 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, 3, 4, 5 and 6 are persons with clean antecedent
and petitioner no. 2 has antecedent of one case and petitioner



no. 1 is a woman. It is next submitted that liquor as detailed in the FIR is alleged to have been recovered from the house of the petitioners.

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 house in question is a 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. It is further submitted that they came to be implicated based on secret information which is the easiest way to implicate someone without holding a proper investigation.

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 Muffasil P.S. Case No. 169 of 2026, 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, 3, 4, 5 and 6 have antecedent of even one case and petitioner no. 2 has antecedent of more than one case 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, 3, 4, 5 and 6 are persons with clean antecedent and petitioner no. 2 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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