IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78320 of 2026

CNR No. BRHC011117032026

Arising Out of PS. Case No.-410 Year-2026 Thana- RAMGARHWA District- East Champaran

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Manohar Kumar @ Manohar Gupta Son of Achhelal Sah Resident of Village - Nawkathwa, P.S. - Ramgarhwa, District - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sugandh Saurabh
For the Opposite Party/s : Ms. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-11-2026 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 Sections 111, 223, 274, 275 of BNS and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of eleven cases, out of which, ten cases are under the Excise Act and allegation is of recovery of 28.425 litres of liquor from a grocery shop in front of the house of Pintu Kumar.

4. Learned counsel for the petitioner submits that

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petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a shop, which does not belong to the petitioner and he came to be implicated at the instance of chowkidar with whom he is on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is further submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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.55,000/- (Rupees fifty five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is

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pending/successor court in connection with Ramgarhwa P.S. Case No.410 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than 11 cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of 11 cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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