

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78674 of 2025

Arising Out of PS. Case No.-337 Year-2025 Thana- CHAPRA MUFFASIL District- Saran

Sunny Kumar @ Sani Kumar Son of Surendar Manjhi Resident of Village -
Methawaliya, Ward No.- 1, P.S.- Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-01-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
the defects as pointed out by the office be ignored as petitioner
had obtained the certified copy of the FIR and the fard-bayan
was marked, but then, the petitioner cannot be faulted for the
same.

3. In view of the submissions made by the learned
counsel appearing on behalf of the petitioner, the defects as
pointed out by the office is hereby ignored.

4. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

5. The learned counsel for the petitioner submits that



the petitioner has antecedent of one case under the Excise Act and allegation is of recovery of 40 litres of liquor from a place behind the house of the petitioner.

6. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner, but then, is adjacent to his house and he came to be implicated based on secret information, which is the easiest way to implicate someone without holding a proper investigation. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

7. Learned A.P.P. opposes the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) 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.337 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of one case only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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