

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84386 of 2025

Arising Out of PS. Case No.-304 Year-2025 Thana- NADI P.S. District- Patna

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1. Manish Kumar @ Manish Kumar Gupta Son of Sanjay Kumar Mohalla- Fatehjampur PS- Nadi Dist -Patna
 2. Manjeet Kumar @ Manjeet Kumar Gupta Son of Sanjay Kumar Mohalla- Fatehjampur PS- Nadi Dist -Patna
 3. Chhoti Kumari Daughter of Sanjay Kumar Mohalla- Fatehjampur PS- Nadi Dist -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022 as well as Sections 191(2)(3), 190, 132, 324(4)(5), 263, 352 and 351(2)(3) of B.N.S., 2023.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedents of two cases under the Excise Act, petitioner no.2 has antecedent of one case under the Excise Act and petitioner no.3 is a person with clean antecedent and is



a woman and allegation is of recovery of 510 ml. of liquor from the house of Sanjay Kumar. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated based on the fact that the house from which the alleged recovery was made belongs to their father and uncle. It is further submitted that 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 their knowledge and 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 merely for the reason that they are sons and daughter of Sanjay Kumar when from perusal of the allegations, as alleged in the FIR, it would manifest that no specific allegation is alleged against them.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on



provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Nadi P.S. Case No.304 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedents of more than two cases, petitioner no.2 has antecedent of more than one case and petitioner no.3 has antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 has antecedents of only two cases, petitioner no.2 has antecedent of only one case and petitioner no.3 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners,



based on instruction, submits that petitioners undertake to deposit an amount of Rs.2500/- with Advocates’ Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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