

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26131 of 2022**

Arising Out of PS. Case No.-140 Year-2021 Thana- TISIAUTA District- Vaishali

- 
1. SHIV CHANDRA MANJHI SON OF LATE AKLU MANJHI R/O- VILLAGE- DABHAICH MUSHAHAR TOLA, P.S.- TISIAUTA, DIST.- VAISHALI
  2. VINOD MANJHI SON OF VANSILAL MANJHI R/O- VILLAGE- DABHAICH MUSHAHAR TOLA, P.S.- TISIAUTA, DIST.- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Adv.  
For the Opposite Party/s : Mr.Dilip Kumar 1, APP

---

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      26-08-2022              Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in connection with Tisiauta P.S. Case No.140 of 2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly 5 litres and 10 litres of country made liquor is said to have been recovered from the house of the petitioner



no.1 and 2 respectively.

It is submitted by learned counsel for petitioners that petitioners are quite innocent and have not committed any offence as alleged in FIR. They have not been apprehended on spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the recovery of the illicit liquor or any trade of liquor. There is no compliance of section 100(4) of Cr.P.C. The search has been made in absence of any member of the house and the illicit liquor could have been implanted there to implicate the petitioners. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, since the since the recovery has been made from the house of the petitioners, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

**(Anjani Kumar Sharan, J)**

pallavi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

