

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2337 of 2023**

Arising Out of PS. Case No.-294 Year-2022 Thana- JALALPUR District- Saran

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1. Daharu Manjhi @ Raja Babu Kumar Manjhi S/O Bhola Manjhi R/V-Kotheya, P.S.- Jalalpur, District- Saran At Chapra
  2. Gurdeli Manjhi @ Mithlesh Kumar Manjhi S/O Bhola Manjhi R/V-Kotheya, P.S.- Jalalpur, District- Saran At Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr.Dewendra Narayan Singh, Advocate  
For the Opposite Party : Mr.Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      21-04-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

At the outset, learned counsel for the petitioners submits that during pendency of this application, petitioner No. 1 namely Daharu Manjhi @ Raja Babu Kumar Manjhi has already been arrested.

Accordingly, the present application with regard to petitioner No. 1 namely Daharu Manjhi @ Raja Babu Kumar Manjhi is dismissed as infructuous.

The petitioner No. 2 is apprehending his arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act.



The prosecution case, in short, is that 100 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. It is alleged that 100 liters wine is recovered from joint house of the petitioner No. 2. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner No. 2 has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 2, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned  
Exclusive Special Excise Court No. 2, Saran at Chapra in  
connection with Jalalpur P.S. Case No. 294 of 2022, subject to  
the conditions as laid down under Section 438(2) of the Code of  
Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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