

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35471 of 2024**

Arising Out of PS. Case No.-169 Year-2024 Thana- MAJHAULIA District- West Champaran

1.

Prabhu Manjhi Son Of Late Chhathu Manjhi Village- Ramnagar Bankat Ps- Majhauiliya, Dist- West Champaran
2.

Jhauri Devi Wife Of Prabhu Manjhi Village- Ramnagar Bankat Ps- Majhauiliya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate  
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      10-06-2024                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Majhauiliya P.S. No. 169 of 2024, registered for the alleged offences under Sections 272, 273, 34 of the Indian Penal Code and under Section 30(a), of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about the petitioners keeping illicit liquor in their hut for selling it. A raid was conducted and two persons a male and a female fled away from the hut. The villagers who assembled at the spot disclosed the names of the petitioners who



fled away from the spot. On search of the hut, recovery of 06 liters of country made Chulai liquor was made and the same was seized.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. There is no recovery from conscious possession of petitioner. The hut from where the recovery has been shown does not belongs to the petitioners. The hut in question is not known by the petitioners and it is situated on a *Gairmajarua* land which is accessible to one and all. The house of the petitioner is located behind the hut and no recovery has been made from the said house of the petitioners. Though, it is stated that the villagers disclosed the names of petitioners, who fled away from the spot but surprisingly, none of the villagers were made witnesses in the seizure list. No cogent material has come up against the petitioners. The petitioners have got no criminal antecedent.

5. Learned APP for the State has opposes the prayer for bail of the petitioners and submits that recovery has been made from the hut of the petitioners.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that the recovery has not been shown from the conscious possession of the petitioners and further considering the probability of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II Bettiah, West Champaran in connection with Majhauriya arising out of. P.S. Case No. 169 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners shall remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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