

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12864 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- Kusumbha District- Sheikhpura

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1. Biresh Manjhi S/o- Ganauri Manjhi R/o - Bakarpur Bank, P.S - Kusumbha, District - Sheikhpura
 2. Basanti Devi @ Sona Devi W/o- Subelal Manjhi R/o - Bakarpur Bank, P.S - Kusumbha, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners are apprehending arrest in connection with Kusumbha P.S. Case No. 91 of 2024 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 5 liter illicit country made liquor was recovered from the house of the petitioner no. 1 and 2 liters illicit country made liquor was recovered near the house of petitioner no. 2.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the first information report and they have been falsely implicated in this case. Learned counsel submits that the alleged recovery of 5 liters illicit country made liquor is from the joint house, and as such, petitioner no. 1 cannot be held liable for the alleged recovery. Learned counsel submits that there is no recovery from the conscious possession of the petitioners. Petitioner no. 1 has criminal antecedent of one case in which he is already and bail and petitioner no. 2 bears clean antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge, Sheikhpura in connection with Kusumbha P.S. Case No.



91 of 2024, subject to the conditions as laid down under section
482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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