

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15115 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

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Shobhi Manjhi @ Sobhi Manjhi Son of Lalo Manjhi vill - Ganghar, PS - MU,
District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvnendra Kumar Thakur
For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 208-04-2025
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Magadh University Police Station Case No. 254 of 2024, dated 27.11.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 27.11.2024, during patrolling, the police got secret information that the petitioner was selling country made liquor from his house. Acting on the said information, the police reached at the house of the petitioner and saw that one person was fleeing away, who



succeeded in it. Upon search, the police recovered 25 liters of country made illicit liquor from inside the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on mere suspicion and on the basis of secret information. He next submits that the petitioner was not present at the place of occurrence and neither illicit liquor nor any incriminating articles has been recovered from conscious possession of the petitioner. The petitioner has got no criminal antecedent.
5. After having heard learned Counsel for the parties and taking into consideration the fact that the police has recovered 25 liters of illicit country made liquor and from seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of



anticipatory bail.

- 6. This application is, accordingly, dismissed.
- 7. However, it is made clear that if the petitioner surrenders and seeks regular bail, the same shall be considered on its own merit, if possible on the same date, without being prejudiced to the fact that this Court has dismissed the anticipatory bail application of the petitioner.

(Anil Kumar Sinha, J)

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