

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16098 of 2025**

Arising Out of PS. Case No.-1037 Year-2019 Thana- NAWADA District- Nawada

Musafir Manjhi Son of Late Taro Manjhi Resident of Village - Rajvanshi
Tola, Ward No. 09, Nanaura, P.S. - Nagar Nawada, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 16-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, there is a recovery of 80 litres of country made liquor from an Ahar (open field) near the house of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired on the basis of suspicion whereas the place of recovery is actually an open space which is



accessible to all. There is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure and no recovery has been made from the physical and conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Nawada, in connection with Nawada Town P.S. Case No.1037 of 2019 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the



petitioner. However, it is expected that the verification process
would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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