

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16528 of 2025

Arising Out of PS. Case No.-231 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Sadhu Manjhi @ Surendra Manjhi S/O Jadolal Manjhi @ Yadolal Majhi
Resident of Village- Sirha Katas Mushar Toli, PS- Pakaridayal, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Pakaridayal P.S Case No. 231/2022 dated 18.09.2022 for the offences punishable u/s 30(a) and 30(c) of the Bihar Prohibition and Excise Act and Section 272 and 273 of the I.P.C.

3. As per the prosecution case, total 3000 litres of illicit raw material was recovered from house of the petitioner and co-accused persons which was destroyed at the spot. Further, 2 litres of illicit country-made liquor was recovered from the plastic gallon which is alleged to be thrown by the petitioner and co-accused person, Sugandhi Devi.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case. It is further submitted that the recovery was made from the house of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory



bail is made out. The petition is disposed of and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner on the same day in accordance with law and on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

