

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19981 of 2025

Arising Out of PS. Case No.-63 Year-2024 Thana- GARKHA District- Saran

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1. Munna Manjhi S/o Late Ramesh Manjhi R/o vill - Hematpur, P.S.- Garkha, Distt.- Saran
 2. Raju Kumar @ Raju Ranjan Kumar S/o Birendra Ray R/o vill - Kasina, P.S.- Garkha, Distt.- Saran
 3. Lav Kush Manjhi @ Lavkush Kumar Manjhi S/o Kameshwar Manjhi R/o vill - Kasina, P.S.- Garkha, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Mr. Hemant Kumar, learned counsel for the petitioners and Mr. Nagendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 63 of 2024, F.I.R dated 11.02.2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 70 litres of illicit liquor.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is



false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the place of occurrence and the name of the petitioners have been transpired on the basis of the disclosure made by the local Chowkidar and the petitioners have been made accused merely on the ground that the petitioners have criminal antecedents of similar nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable and also submits that the petitioners carry one case each other than the present one, but fairly submits that they are in bail pending matters.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of



counsel for the petitioners.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners and the name of the petitioners have been transpired on the basis of the disclosure made by the local Chowkidar, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Exclusive Special Excise Court, Saran at Chapra in connection with Garkha P.S. Case No. 63 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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