

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22917 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- MANJHI District- Saran

Asha Devi Wife of Muna Choudhary @ Munna Choudhary @ Mritunjay Chaudhari R/o Village- Manjhi (Chaubah Sthan), P.S.- Manjhi, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard learned Counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Manjhi P.S. Case No. 38/2025 registered on 02.02.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, a total recovery of 75 liters of country-made liquor is the subject of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is contended that the petitioner's name has been mentioned in the case solely on the basis of suspicion expressed by the local Chaukidar, and no direct evidence has been brought on record



against the petitioner. It is further submitted that the alleged recovery has been made from a hut situated in an open area, which does not belong to the petitioner. The petitioner has a clean criminal antecedent.

5. Learned APP for the State opposes the prayer for bail and submits that, in addition to the recovery of illicit liquor, various articles and containers used in the manufacture of such liquor were also seized from the spot, as evident from the F.I.R. It is further submitted that the petitioner was identified by the local Chaukidar.

6. Considering the fact that not only illicit liquor but also other materials used in its preparation have been recovered, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner in connection with Manjhi P.S. Case No. 38 of 2025, pending before the learned Additional Sessions Judge-cum-2nd Exclusive Special Excise Judge, Saran at Chapra, is hereby rejected.

7. However, the petitioner is directed to surrender before the Trial Court within a period of four weeks from today. In the event of such surrender, the Trial Court shall consider the petitioner's surrender-cum-bail application on the same day,



strictly in accordance with law and on its own merits, without being prejudiced by the rejection of the present anticipatory bail application by this Court, and after taking into account the relevant provisions of the Excise Act.

(Dr. Anshuman, J)

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