

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29662 of 2025

Arising Out of PS. Case No.-339 Year-2024 Thana- TARAIYA District- Saran

1. Surdas @ Anand Manjhi son of Bhukhal Mahto @ Sahdeo Manjhi Village - Phokhrera, Ps- Taraiya, Dist- Saran at Chapra
2. Kishore Manjhi son of Basu Manjhi Village - Phokhrera, Ps- Taraiya, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Taraiya P.S. Case No. 339 of 2024, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 10 liters liquor was recovered from courtyard of petitioner no. 2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners



also submits that the petitioner were not present at the place of occurrence. Name of the petitioners have transpired in this case on the basis of disclosure made by local chowkidar. Petitioner no. 1 has got no criminal antecedent, but petitioner no. 2 has got three criminal antecedents. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 11.12.2024 passed in Cr. Misc. No. 84494 of 2024.. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that the alleged recovery has been made from the courtyard of petitioner no. 2 and there are three criminal antecedents of this petitioner. Hence, petitioner no. 2 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation and criminal antecedent of petitioner no. 2, this Court is not inclined to grant anticipatory bail to petitioner no. 2. So far as remaining petitioner, i.e. petitioner no. 1, is concerned, this Court is inclined to grant anticipatory bail to petitioner no. 1.



7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 2, namely, Kishore Manjhi, is hereby, **rejected.**

8. So far as petitioner no. 1 is concerned, let the petitioner **(i.e. petitioner no. 1)**, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Taraiya P.S. Case No. 339 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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