

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27693 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- CHANDI District- Bhojpur

1. Minesh Kumar @ Hiro S/o Late Rajgobin Singh R/o Village- Salimpur, P.S.- Chandi, District- Bhojpur
2. Manejar Singh S/o Late Bhuar Singh R/o Village- Salimpur, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chandi P.S. Case No. 42 of 2025, registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in short, is that on secret information, the informant with other police personnel reached the place of occurrence near Khumbh river. Upon seeing the police, all persons fled away. On search, 300 liters country-made liquor is recovered near the river and one motorcycle was also there. The villagers disclosed the name of



the fled persons as petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are not arrested at the spot nor anything has been recovered from their conscious possession. The place of occurrence is an open place near river and the petitioners are no concern with the alleged occurrence. The name of the petitioners have been implicated on the basis of statement given by villagers.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. From the reading of the FIR, it appears that the liquor has not been recovered from the conscious possession of the petitioners and also that the search and seizure memo is not witnessed by two independent witnesses, which is a requirement of law and absence of the same, put a serious question mark on the legality and validity of the seizure itself. Notice is also taken of the fact that petitioner no. 1 has one criminal antecedent and petitioner no. 2 has two criminal antecedents, all the cases of alleged offence under Section 30(a) of Bihar Prohibition and Excise Amendment Act, but in all these cases both the petitioners are on bail. Under these circumstances, this Court is



inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Chandi P.S. Case No. 42 of 2025, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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