

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29299 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- PARSA District- Saran

Tarkeshwar Manjhi, S/o Dhela Manjhi, R/o Vill.- Chaksahbaj, P.S.- Parsa,
Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Parsa P.S. Case No. 19 of 2025, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise Amendment Act, 2022.

3. The police on a secret information raided mustard
field situated near the house of the petitioner and in course of
search, recovered 25 litres of country made liquor.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly the alleged recovery has
been made from an open mustard field, which is easily
accessible to all. The petitioner has neither any concern with the



mustard field, nor with the illicit wine. However, only on account of the fact that his house is situated nearby the mustard field, his name has been implicated in this case. Moreover, the petitioner bears fair antecedent and there is no other material suggesting the complicity of the petitioner in crime. Learned Advocate for the petitioner also drew the attention of this Court to certain infirmities in search and seizure, coupled with the fact that there is no independent witness to the alleged recovery.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open mustard field, which does not belong to the petitioner, coupled with the fair antecedent and the absence of materials which attracts the rigors provided under Section 76(2) of the Bihar Prohibition & Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Parsa P.S. Case No. 19 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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