

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33639 of 2025**

Arising Out of PS. Case No.-319 Year-2024 Thana- BARAULI District- Gopalganj

1. Akash Kumar S/o Dilip Manjhi
2. Ashok Manjhi S/o Chandrika Manjhi
3. Champa Devi W/o Rakesh Manjhi  
All Resident of Vill.- Kahla, P.S.- Barauli, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-05-2025                      Heard Mr.Umesh Kumar Singh, learned counsel for the petitioners and Mr.Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barauli P.S.Case No.319 of 2024 PTN No.1358 of 2024, FIR dated 05.12.2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 20 liters of country made Chulai liquor.

4. Learned counsel for the petitioners submits that the petitioner Nos.1 and 2 have clean antecedent and petitioner



No.3 carries two more cases other than the present one and they have falsely been implicated in the present case. It appears from the FIR as well as the seizure list that altogether 20 liters of country made Chulai liquor was recovered from the place of occurrence and as per allegation in the FIR the petitioners have fled away from the place of occurrence and name of the petitioners has been transpired during investigation on the basis of the disclosure made by the local Chaukidar and except the aforesaid, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioners under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for 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.

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) PLJR 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 name of the petitioners has been transpired during investigation on the basis of the disclosure made by the local Chaukidar, 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) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII-cum-Special Excise Court No.I, Gopalganj in connection with Barauli P.S.Case No.319 of 2024 PTN No.1358 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 petitioners 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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