

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32465 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- MANJHI District- Saran

-
1. Ranjit Chaudhary S/O Late Hare Ram Chaudhary Resident Of Village-Katokhar, PS- Manjhi, Dist.- Saran.
 2. Prakash Chaudhary S/O Late Bikrama Chaudhary Resident Of Village-Katokhar, PS- Manjhi, Dist.- Saran.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Learned counsel for the petitioners is permitted to delete para-12 of the bail petition.

2. Permission is accorded.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. The petitioners are apprehending their arrest in connection with Manjhi P.S. Case No. 49/2025 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition of Excise Act.

5. As per prosecution case, there is alleged recovery of 27 liter country made liquor behind the house of the petitioners. Local Chaukidar disclosed the name of petitioners who fled away from the place of occurrence.



6. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioner no.1 bears one criminal antecedent in which he is on bail and petitioner no.2 bears two criminal antecedent in which he is on bail. The name of the petitioners have been transpired in this case on the disclosure of local Chaukidar. Except disclosure of local Chaukidar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are not in any way connected with the alleged occurrence. He further submits that as per prosecution case total 27 liter country made liquor were recovered from the bush situated behind the house of the petitioners which is open place and the same is accessible to all. He further submits that the informant has not followed the rule of seizure as prescribed in the law under Section 103 of the B.N.S. Act. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act. He orally submits that the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. The learned A.P.P. for the State opposed the



prayer for anticipatory bail of the petitioners.

8. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.2nd, Saran at Chapra in connection with Manjhi P.S. Case No. 49/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

9. The application stands allowed.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

