

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41198 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- GURUA District- Gaya

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Pramod Manjhi @ Pramod Kumar Mandal Son of Sibrat Manjhi @ Shiv
Barat Mandal Resident of Village- Jharha, P.S.- Gurua, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.

For the State : Mr. Lalan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gurua P.S. Case No. 156 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, on the basis of confidential information 8 litre illicit country made liquor was recovered from the house of the petitioner who is said to have fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that



FIR does not disclose as to who has divulged the name of the petitioner which questions the authenticity of the prosecution story. He further submits that place of recovery is joint family house and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. He further submits that petitioner is having disability of 65 % and by any stretch of imagination it is unfathomable that after seeing the police, petitioner fled away from the spot. Photocopy of certificate is annexed as Annexure-2 to the petition. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that from perusal of prosecution story it is clear that recovery has been made from the house of the petitioner and petitioner cannot escape from the liability of said recovery. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-5, Gaya in connection with Gurua P.S. Case No. 156 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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