

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43379 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- KESARIA District- East Champaran

Manjay Kushwaha @ Manjay Kumar Kushwaha S/o- Late Visharam Bhagat
Moh- Lahargawa Ps- Keshariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Keshariya P.S. Case No. 91 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 20 liters illicit country made liquor from the bank of Dohri river in the village Lohargawa. 600 liters of semi prepared illicit liquor was destroyed at the spot. Local villagers disclosed the name of the present petitioner and others who are said to have been fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the first information report. The place of recovery is the bank of river which is an open place and accessible to all, and hence, petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. There is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner has criminal antecedent of one case in which he is on bail and just because of having criminal antecedent he has been falsely implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. 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 petitioner, above named, in the event of arrest or surrender 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 Exclusive Special Judge



Excise Court No. 3, Motihari, East Champaran in connection with Keshariya P.S. Case No. 91 of 2024, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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