

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44847 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- SAKURABAD District- Jehanabad

Mahesh Manjhi S/O Ramprit Manjhi R/O Village - Ghejan Mushhari Tola,
Police Station - Shakurabad, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2025 Heard Mr. Umesh Kumar, learned counsel for the

petitioner and Mr. Sunil Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Shakurabad P.S. Case No. 81 of 2025, F.I.R dated 26.03.2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of total 12 liters of illicit country made liquor out of which five liters of country made liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case on the basis of disclosure made by



local chowkidar. He further submits that from a bare perusal of the FIR and seizure list, it appears that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the petitioner. It is further submitted that the petitioner is not the exclusive owner of the house in question rather it is the joint property of the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the petitioner 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) P.L.J.R. 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 petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner rather recovery has been made from the house in question and petitioner is not the exclusive owner of the said house rather it is the joint property of the petitioner, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No.-I, Jehanabad in connection with Shakurabad P.S. Case No. 81 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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