

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52271 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- MANJHI District- Saran

1. Hareram Choudhary S/o Sriram Choudhary R/o Village - Manjhi Chouba Sthan, P.S - Manjhi, District- Saran
2. Gudiya Devi W/o Cheman Choudhary @ Ganesh Chaudhary R/o Village - Manjhi Chouba Sthan, P.S - Manjhi, District- Saran
3. Shobha Devi W/o Channu Choudhary R/o Village - Manjhi Chouba Sthan, P.S - Manjhi, District- Saran
4. Babalu Manjhi S/o Khedaru Manjhi R/o Village - Manjhi Chouba Sthan, P.S - Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Manjhi P.S. Case No. 158 of 2025, dated 10.05.2025, lodged under Section 115(2), 126(2), 109, 132, 121(2), 121(1) & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Sections 30(a) & 45 of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending before the Court of Exclusive Special Excise Sessions Judge-2, Saran at Chapra.



3. As per the prosecution, FIR has been lodged, in which the allegations are in two parts. The first part concerns the recovery of 170 litres of country-made liquor and 100 litres of raw material, which was destroyed on the spot. The second part of the allegation is that the apprehended person was forcefully removed from the custody of the police, and it is due to this reason that the FIR has been lodged under the Bharatiya Nyaya Sanhita as well as the Bihar Prohibition and Excise (Amendment) Act.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the antecedents of the petitioners are clean. He also submits that the petitioners are not responsible for the second part of the allegation. Additionally, he submits that the petitioners are ready to fulfill all the conditions whatsoever that may be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that, so far as the Excise Act is concerned, the criminal antecedents of the petitioners are clean. However, regarding the second allegation that they interfered in the administration and created hindrance, resulting in a person being removed from the custody of the police and a



fight with the police, this cannot be ignored.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. It is directed to the petitioners to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioners surrender within six weeks, then the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day without being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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