

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59978 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- PAHARPUR District- East Champaran

1. Bali Manjhi @ Rajbali Manjhi S/o- Late Dasai Manjhi Village- Noneya Mushari Tola Ps- Paharpur Dist- East Champaran
2. Ram Surat Manjhi S/o- Raghubir Manjhi Village- Noneya Mushari Tola Ps- Paharpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned

APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Paharpur P.S. Case No. 86 of 2025 dated 23.02.2025 registered for the offences punishable under Sections 30(a), 41 and 52 of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the FIR, the prosecution case against the petitioner is that 125 litres of liquor was recovered from river side where co-accused Teju Sahni was present and he was arrested and he confessed to the Police that he along with other accused including the petitioners were doing illegal business of the liquor. However, as per the prosecution case, two co-accused other than Teju Sahni, on seeing the Police, fled away.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the case against the petitioners is based only on confessional statement of co-accused before the Police which has no evidentiary value. He further submits that nothing material has been recovered from possession of the petitioners and the petitioners have nothing to do with the alleged offence. He also submits that no prima facie case is made out against the petitioners and hence, the present petition is maintainable and the petitioners deserve to be enlarged on anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have been made accused in another case in which they are on bail.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Paharpur P.S. Case No. 86 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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