

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64893 of 2025

Arising Out of PS. Case No.-417 Year-2025 Thana- BODHGAYA District- Gaya

Gayash Manjhi @ Vyash Manjhi @ Wayas Manjhi, S/O Saryu Manjhi,
Resident of Village- Chhanchh, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-09-2025 1. Heard Mr. Krishna Prabhat, learned counsel for the petitioner and Mr. Narsingh Tanti, learned APP for the State.
2. The petitioner apprehends his arrest in connection with Bodhgaya P.S. Case No. 417 of 2025, dated 09.06.2025, registered for the offence punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned counsel for the petitioner are that as per the prosecution story narrated in the FIR, the police party raided two houses simultaneously, the residents of those houses including the male and female members started fleeing and both the house are said to be situated in front of each other. It is further alleged that on searching one of the houses, which admittedly belongs to this petitioner, 8 liters of country made *mahua* liquor is alleged to



have recovered and it is not the case of the prosecution that the petitioner was present in his house at the time of recovery and his house is a two storied building where several family members including the petitioner reside and mainly on the basis of suspicion and petitioner being one of the family members of his residential house, he has been made accused but such alleged circumstances are not sufficient to attract the alleged offence punishable under the Excise Act even *prima facie* against this petitioner, hence, his prayer for anticipatory bail is not hit by the provisions of Section 76(2) of the Excise Act. It is further submitted that petitioner's past is clean and he has never remained involved in any kind of illegal activity punishable under the Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in



connection with Bodhgaya P.S. Case No. 417 of 2025 on
furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand)
with two sureties of the like amount each to the satisfaction of
the Court concerned, subject to the conditions as laid down
under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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