

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85613 of 2025

Arising Out of PS. Case No.-163 Year-2020 Thana- GOPALPUR District- Patna

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Umesh Manjhi, Son of Ganesh Manjhi, Gender-Male, Resident of Village -
Mittan Chak, P.S. - Gopalpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navendu Prakash, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Gopalpur P.S. Case No. 163 of 2020 instituted for the
offences punishable under Sections 30(a) 30(d), 34 and 36 of the
Bihar Prohibition and Excise Act, 2016.

3. As the prosecution case, eight liters of country
made mahua wine has been recovered from the house of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He submits that petitioner was neither apprehended at the
spot nor from his house. He next submits that no mahua wine



was recovered from the conscious possession of the petitioner. He lastly submits that the house from where the recovery was made is a joint family property. He again submits that there is no any independent witness of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 15.11.2025 passed by the learned Special Judge Excise-II, Patna, it appears that on the basis of written report of the informant, Police-sub-Inspector Ram Kripal Singh, FIR has been registered under Sections 30(a) 30(d), 34 and 36 of the Bihar Prohibition and Excise Act, 2016 against thirteen co-accused persons including the present petitioner. It appears that total eight liters of country made mahua wine has been recovered from the house of the petitioner. It also appears that seizure list already prepared and two witnesses have been signed on the seizure list, so considering all these aspects of the case and submission of learned counsel for the petitioner as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioner.



7. In view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the present anticipatory bail is not maintainable and is accordingly dismissed.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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