

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27473 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- CHAKIA District- East Champaran

1. Rajkishor Manjhi Son of Rajendra Manjhi R/o-Vill-Bansghat ,P.S-Chakia, District-East Champaran
2. Tilak Manjhi Son of Late Ramsewak Manjhi R/o-Vill-Banghat P.S-Chakia, District-East Champaran
3. Sanju Devi Wife of Achhelal Manjhi R/o-Vill-Koyla Belwa P.S-Chakia, District-East Champaran
4. Nageena Manjhi @ Nagina Manjhi Son of Bhola Manjhi R/o-Vill-Bhuwan Chhapra P.S-Chakia, District-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. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-07-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this bail application with respect to petitioner nos. 1 and 2 with a liberty to the petitioners to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn with respect to petitioner nos. 1 and 2 with the liberty that the petitioners surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.



5. The petitioner nos. 3 and 4 are apprehending their arrest in connection with Chakia P.S. Case No. 60 of 2026 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

6. Recovery is of total 225 liters of country made liquor.

7. Learned counsel for the petitioners submits that the petitioner nos. 3 and 4 have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is forged and fabricated. He further submits that it appears from the F.I.R that 35 liters of liquor was recovered from the hut of the petitioner no. 3, namely, Sanju Devi and 45 liters of liquor was recovered from the hut of petitioner no. 4, namely, Nageena Manjhi. Learned counsel for the petitioners further submits from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023. It is next submitted that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the hut in question.

8. The learned Additional Public Prosecutor has



vehemently opposed the prayer for anticipatory bail of the petitioner nos. 3 and 4.

9. 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 petitioners.

10. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner nos. 3 and 4 and the petitioners have clean antecedent, let the petitioner nos. 3 and 4, namely, Sanju Devi and Nageena Manjhi, in the event of their 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. 3, Civil Court, East Champaran at Motihari, Bihar-845401 in connection Chakia P.S. Case No. 60 of 2026 with subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



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

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, 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)

Gaurav Sinha/-

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