

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39149 of 2026

Arising Out of PS. Case No.-132 Year-2026 Thana- MADHUBAN District- East Champaran

1. Raju Manjhi, S/o Jagli Manjhi, Residents of Village- Bishunpur Tara, Police Station- Madhuban, District- East Champaran..
2. Rajkumar Manjhi @ Raj Kumar Manjhi, S/o Bishnudev Manjhi, Residents of Village- Bishunpur Tara, Police Station- Madhuban, District- East Champaran.
3. Yogendra Manjhi, S/o Vilas Manjhi, Residents of Village- Bishunpur Tara, Police Station- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard Mr. Shashank Shekhar, learned Advocate for
the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 132 of 2026 registered for the offences under Sections 30(a), 30(c), 30(d) and 41(1) of the Bihar Excise Prohibition and Excise (Amendment) Act, 2016.

3. Acting on a tip off manufacturing and trading of the illicit liquor, the police conducted raid near the house of co-accused Bikau Manjhi. However, noticing the police party, four persons managed to flee away, whereas two persons were



apprehended. The apprehended persons disclosed the name of the persons, who succeeded in fleeing away. In course of search, total 94 litres of country made *Chulai* liquor along with some utensils and Gas cylinder, which are said to have been used for manufacturing of liquor were recovered.

4. Learned Advocate for the petitioners submitted that save and except the disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioners in the crime. Even if the statement of the apprehended persons is taken to be true, the same is not admissible in the eyes of law. All the more, the entire recovery has been made nearby the house of the co-accused Bikau Manjhi and the petitioners have no concern with the place of recovery. The witnesses are non-else, but the police personnel and, as such, the entire search is in complete defiance of Section 103 of the BNSS. The mandate of Section 105 of the BNSS has also not been followed. It is lastly contended that there are no materials available on record, which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the



complicity of the petitioners is writ large, as the apprehended persons disclosed their name and moreover the petitioner nos. 2 and 3 are carrying one criminal antecedent of identical nature, however, he submits that the petitioner no.1 has got fair antecedent, as has been disclosed in para.3 of the bail application.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that save and except the disclosure made by the apprehended persons, there is no other material, which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, besides the alleged recovery has been made from an open place, having no concern to the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, I/C Motihari, East Champaran in connection with Madhuban P.S. Case No. 132 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha



Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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