

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36295 of 2026

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

1. Bikau Manjhee @ Bikash Manjhee @ Vikash Manjhi S/o Akaldeo Manjhi
Resident of Village-Vishunpur Tara, P.S.- Madhuban, District - East
Champaran at Motihari
2. Prasad Manjhi S/o Jay Govind Manjhi Resident of Village - Bishunpur Tara,
P.S.- Madhuban, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-06-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection
with Madhuban P.S. Case No.132 of 2026 registered for the
offences punishable under Sections 30(a), 30(c), 30(d) and 41(1)
of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting upon a tip-off regarding the manufacture
and storage of illicit liquor, the police conducted a raid in the
vicinity of the house of Petitioner No. 1. Upon noticing the
arrival of the police party, 6–7 persons who had assembled there



attempted to flee from the spot. Out of them, one male and a female accused were apprehended, while the others managed to escape. The local Chowkidar disclosed the names of the absconding persons, which allegedly included the names of the present petitioners. During the search, the police recovered approximately 94 litres of country-made *Chulahi* liquor, along with utensils and a gas cylinder allegedly used in the manufacture of illicit liquor

4. Learned Advocate for the petitioners, taking this Court through the FIR, contended that admittedly the entire recovery has been made beside the house of petitioner no.1, which is an open place and easily accessible to all, for which he cannot be responsible. The disclosure of the name of the petitioners by the local Chowkidar also appears to be doubtful. Since no recovery has been made from the conscious or constructive possession of the petitioners, in any circumstances, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016') would not be applicable. There is complete defiance of Sections 103 and 105 of the BNSS. The name of petitioner no.1 has been implicated in this case merely because of his past two criminal antecedents of identical nature. So far petitioner no.1 is concerned, he got



fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that recovery of huge quantity of illicit wine along with utensils used for manufacturing of illicit wine clearly suggests the involvement of the petitioners, besides there is an express bar to maintain anticipatory bail.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the recovery of illicit wine has been made from an open place which is easily accessible to all, coupled with the lack of ingredients which attracts the rigors provided under Section 76(2) of the Act, 2016 as also the non-compliance of Sections 103 and 105 of the BNSS, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Madhuban P.S. Case No.132 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that



one of the bailors shall be the own/close family members of the
petitioners.

(Harish Kumar, J)

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