

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47305 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- LAUHIYANAGAR District- Begusarai

1. Manohar Sada S/o Rajendra Sada R/o Village - Panhas, P.S - Lohiya Nagar, District - Begusarai
2. Chandni Devi W/o Manohar Sada R/o Village - Panhas, P.S - Lohiya Nagar, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Yogesh Kumar, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Lohiya Nagar P.S. Case No.56 of 2026 for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that while the informant was on evening patrolling and during course of patrolling when he reached near Panhas Musahari, one lady started fleeing away upon seeing the police from the *Bathan*. She succeeded in fleeing away and upon enquiry made from the local persons present there, her name was disclosed



as Chandni Devi, wife of the petitioner no.1. Search was made at the place and total 10 litres of country made liquor was recovered from near the *Bathan*, kept in green and while bottles. Upon the information given by the local persons, the name of the petitioners transpired in the present case and accordingly the First Information Report was lodged.

4. The learned counsel for the petitioners submits that the petitioners are innocent and only on suspicion and village politics, their names have been taken by the persons who were present before the police. No recovery has been made from possession of the petitioners and any recovery, which has been made, is from an open place, which is a joint family property. He further submits that the petitioners have got a clean antecedent.

5. *Per contra*, the learned A.P.P. for the State opposes the prayer for grant of anticipatory bail to the petitioners and submits that the petitioners indulged in illegal sale and purchase of liquor.

6. Having considered the rival submissions and after going through the records, it appears that 10 litres of country made liquor was recovered from a *Bathan*, which is an open place and none of the petitioners were present at the place of occurrence. Since they were not present at the place of occurrence, therefore there is no question of any recovery from them and the place is an



open place, accessible to all.

7. Taking into consideration the facts aforesaid, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, 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 the learned Exclusive Special Excise Judge, 1st, Begusarai in connection with Lohiya Nagar P.S. Case No.56 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of their bail bonds. 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.

(Ritesh Kumar, J.)

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