IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75980 of 2026

CNR No. BRHC011089972026

Arising Out of PS. Case No.-409 Year-2026 Thana- MANJHI District- Saran

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Ramashankar Manjhi Son of Late Jayram Manjhi Resident of Village-Khanpur, P.S.- Manjhi, District- Saran at Chapra (Bihar)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from the possession of this petitioner, altogether 4 liters of illicit country made liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the conscious possession of the petitioner. The

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witnesses of the seizure list are police personnel and police has not complied Section 105 of BNSS while preparing seizure list. Learned counsel has submitted that the petitioner is having criminal antecedent of one case and the same has been disposed of on the basis of compromise in the National Lok Adalat. Moreover, he is languishing in judicial custody since 17.08.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Manjhi P.S. Case No. 409 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra.

7. Before parting, it is very disheartening to note that even the officers in the cadre of learned District and Sessions Judge are not able to understand their jurisdiction and discretion as even in the recovery of four liters of illicit liquor, the bail application of this petitioner has been rejected

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mechanically. Learned trial court must introspect.

(Ashok Kumar Pandey, J)

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