

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38499 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- NALANDA District- Nalanda

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SOHAN CHAUDHARY @ SURAJ CHAUDHARY SON OF LATE
JAGESHWAR CHAUDHARY RESIDENT OF VILLAGE- KAPTIYA, PS-
NALANDA, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in
connection with Nalanda P.S. Case No. 68 of 2023 registered for
the offence punishable under Section 30(a) of the Bihar Excise
Prohibition Act, 2018.

3. The allegation is regarding recovery of 69.84 liters of
illicit liquor from a Tata Indica vehicle. It is further alleged that
the person apprehended from the spot had disclosed the name of
his accomplices, including that of the petitioner herein.

4. The learned counsel for the petitioner submits that the
petitioner is innocent, he has been falsely implicated in the
present case and he is having a clean antecedent. The learned



counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the seized vehicle belongs to the petitioner, hence, the petitioner is not having any complicity in the matter.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question belongs to the petitioner, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”), hence, the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District & Session Judge, cum Special Judge, Excise, Nalanda in connection with Nalanda P.S.Case No. 68 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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