

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87934 of 2024

Arising Out of PS. Case No.-961 Year-2024 Thana- Excise P.S. District- Aurangabad

Bhulli Chouhan @ Sudina Noniya @ Bulli Chouhan @ Sudin Noniya Son of
Ram Narayan Noniya @ Ram Narayan @ Ram Narayan Chouhan Resident of
Village - Jamua, P.S. - Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Aurangabad Sadar Excise (Utpad) P.S. Case No. 961 of
2024 registered for the offences punishable under Sections
30(a), 30(c), 30(d), 32(3), 36, 41(1) & 41(2) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 108 litres of illicit country made liquor, 75 litres of spirit,
500 empty bottles from the campus of *Shamshan Ghat*. The
police has also seized a motorcycle bearing Regd. No.
BR01BG1481.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. It is alleged that spirit was purchased from the petitioner. Petitioner is neither the owner nor the driver of the seized vehicle. Petitioner bears twelve criminal antecedents. Other co-accused has been granted bail by this Court *vide* order dated 09-12-2024, passed in Cr. Misc. No. 84879 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner is habitual offender of excise, which fact is corroborated by his twelve criminal antecedents, mentioned in paragraph No. 3 of the bail application. Hence, he does deserve the privilege of grant of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties and specifically taking into account the fact that petitioner bears twelve criminal antecedents, this Court does not think it opposite to enlarge petitioner on anticipatory bail. Prayer for grant of anticipatory bail is hereby *rejected*.

7. However, if the petitioner surrenders before the



court below within a period of four weeks from today and prays
for regular bail, the same shall be considered by the court below
in accordance with law without being prejudiced by the order of
this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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