

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3321 of 2025

Arising Out of PS. Case No.-1212 Year-2024 Thana- Excise P.S. District- Aurangabad

Mithun Chaudhary, S/o Chabu Chaudhary, Resident of village-Kesho Market,
Bhuiyan Tola, P.S- Barun, Dist- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Aurangabad Excise P.S. Case No.1212 of 2024 registered under Sections 30(a), 41(1) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 35.200 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that alleged recovery of illicit liquor was made from an open place, which is accessible by general public and therefore, it cannot be said that alleged recovery was made from physical



possession of this petitioner. It is submitted that name of petitioner transpired in this case on the basis of disclosure made by Dharmendra Kumar and Sunil Kumar. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as alleged illicit liquor not appears to be recovered *prima facie* from physical possession of this petitioner accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.-2, Aurangabad, Bihar in connection with Aurangabad Excise P.S. Case No.1212 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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