

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3209 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Rupesh Kumar Chaudhary S/o- Samir Chaudhary Village- Fatehpurawala Ps-
Musarighariri District -Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Musarigharari P.S. Case No. 86 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1.50 litres of IMFL/country made liquor

4. It is submitted by learned counsel appearing on behalf of the petitioner that the name of the petitioner



transpired in this case on the basis of disclosure made by apprehended co-accused Rajv Kumar, who was the driver of the scooty, from where 1.50 litres of illicit liquor alleged to be recovered. It is submitted that petitioner found involved in two more criminal cases of similar nature and four criminal cases of different nature, where he is on bail. It is pointed out that admittedly the recovery was not made from the physical possession of this petitioner, therefore the prayer of anticipatory bail of petitioner cannot be rejected on the sole ground of his criminal antecedents. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact that as recovery of illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within



a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no. 1, Samastipur /concerned Court, where the case is pending in connection with Musarigharari P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS., with further conditions:-

(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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