

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5739 of 2025

Arising Out of PS. Case No.-350 Year-2023 Thana- ATRI District- Gaya

Sunil Chaudhari S/O Uma Chaudhary R/O Village- Narwat Lala Garden Par,
P.S- Atari, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Atari P.S. Case No. 350 of 2023 dated 22.07.2023, instituted for
the offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

3. The allegation is of recovery of 7 litres *Mahua*
liquor from the house of the petitioner and 8 litres *Mahua* liquor
from the house of petitioner's father, namely, Uma Chaudhari
and both are residing in a joint family house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that nothing has been recovered from the
conscious possession of the petitioner. Only on the basis of



disclosure made by the local *Chowkidhar*, the petitioner has been made accused in this case. It is submitted that the allegation against the petitioner is that 7 litres *Mahua* liquor has been recovered from the house of the petitioner and 8 litres *Mahua* liquor has been recovered from the house of petitioner's father, namely, Uma Chaudhari and both are residing in a joint family house. It is further submitted that Uma Chaudhari has been granted bail by a co-ordinate Bench of this Court *vide* Criminal Miscellaneous No. 84713 of 2023. It is also submitted that the police has purposely made accused both the son and the father and prepared seizure list separately so that both of the them may not be able to avail the privilege of bail. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Atari P.S. Case No. 350 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Excise Court No. I, Gaya, subject to condition
as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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