

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8449 of 2025

Arising Out of PS. Case No.-450 Year-2024 Thana- AKBARPUR District- Nawada

Rakesh Chaudhary @ Rakesh Chaudhari S/o Shiv Kumar Chaudhary
Resident of village- Lodipur, P.s. - Akbarpur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Akbarpur P.S.

Case No. 450 of 2024 registered for the offences punishable

under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 14 litres of IMFL/country made

liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that alleged illicit liquor appears to be recovered from the house of petitioner, which is occupied by other adult family members. It is submitted that compliance of Section 100(3) of the BNSS not appears to be followed in the present case making entire search doubtful. It is further stated that recovery of illicit liquor cannot be said to be made from the conscious physical possession of petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as recovery of illicit liquor prima-facie appears doubtful from the conscious physical possession of this petitioner, who is a man clean antecedent, accordingly the petitioner above named, in the event of his arrest or surrender before the learned 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) each with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Excise Court No. 1,
Nawada/concerned trial Court where the case is pending in
connection with Akbarpur P.S. Case No. 450 of 2024 subject
to the conditions as laid down under Section 438(2) of the
Cr.P.C./Section 482(2) BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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