

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15916 of 2025

Arising Out of PS. Case No.-420 Year-2024 Thana- NASRIGANJ District- Rohtas

1. Upendra Chaudhary @ Dimla @ Upendra Kumar S/o- Kameshwar Chaudhary Resident of Village ward no 14 Hariharganj PS- Nasriganj District- Rohtas.
2. Sanjay Chaudhary @ Sajnay Chaudhary S/o- Doma Chaudhary @ Devendra Choudhary Resident of Village ward no 14 Hariharganj PS- Nasriganj District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Nasriganj P.S. Case No. 420 of 2024, dated 18.12.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 51 litres of illicit mahua liquor has been made, which is the subject matter of the present case.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that the names of the petitioners have figured in this case by virtue of confessional statement of mahal chowkidar. Counsel further submits the criminal antecedent of the petitioner No. 1 is clean but the criminal antecedent of the petitioner No. 2 is not clean, as there are three criminal cases pending against petitioner No. 2.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioner No. 1 has clean antecedent but there are three criminal cases pending against the petitioner No. 2, two of which have been lodged under the Excise Act and one case is lodged under the Indian Penal Code.

6. As such, in the present facts and circumstances of this case, let the petitioner No. 1, namely, Upendra Chaudhary @ Dimla @ Upendra Kumar be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court No. 2- cum- District and Additional



Sessions Judge, Rohtas at Sasaram, in connection with Nasriganj P.S. Case No. 420 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the bail application of the petitioner No. 2, namely, Sanjay Chaudhary @ Sajnay Chaudhary is concerned, his bail application is hereby rejected, with a liberty that in case, the petitioner No. 2 surrenders within four weeks before the Trial Court, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner No. 2 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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