

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8827 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- BADHAILA District- Rohtas

Babulal Chaudhary, Son of Late Hari Prasad @ Late Hari Prasad Chaudhary,
Resident of Village- Noniyadih, Police Station-Baghaila, District- Rohtas at
Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 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 Baghaila P.S. Case
No.223 of 2024 registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 75 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for
the petitioner that the alleged recovery of illicit liquor was
made from bank of '**Kaw river**', which is an open place and
accessible to general public. It is submitted that in view of



seizure list, recovery cannot be said to be made from physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor appears to be made from an open place and not from 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 Exclusive Special Judge, Excise Court No.-I, Rohtas at Sasaram in connection with Baghaila P.S. Case No.223 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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