

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11756 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- RASULPUR District- Saran

Trivuan Chaudhry S/O Late Sita Ram Chaudhry R/O Village- Benaut, P.S-
Rasulpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-04-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Rasulpur Police Station Case No. 178 of 2024, dated 13.09.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that on 13.09.2024, the police got secret information that in the Saraw village near BMN Chimni (brick kiln), the petitioner was indulged in selling of illicit liquor. Upon such information, the police proceeded towards the place of occurrence. The moment, the police reached Saraw village, one persons started fleeing away upon



seeing the police party and succeeded in the same. The local people disclosed the name of the petitioner. Upon search, the police recovered 10 liters of illicit liquor from near the BMN Chimni (brick kiln).

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of secret information and his identification by the local people. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner and/or the premises belonging to him. Rather, the same has been recovered from near brick kiln in Saraw village, which is an open space accessible to all and sundry. He further submits that the petitioner is not the resident of Saraw village, but the resident of Benaut village and he has been made accused at the behest of local Mukhiya.
5. Regards being had to the submission made by the parties and taking into consideration the fact that illicit liquor has not been recovered from conscious possession of the petitioner and/or the premises belonging to him, but the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner



privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge II, Saran at Chapra, in connection with Rasulpur Police Station Case No. 178 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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