

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13681 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- NAUTAN District- West Champaran

Prem Kumar Son of Gauri Chaudhary Resident of Village - Khaira Tola, Ward
No. 14, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Ranjan Kumar, Adv.
For the State : Mr. Uday Chand Prasad, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. The recovery of total 27.6 litres of foreign liquor has
been shown in the FIR and also in the seizure list and out of the
same, 12 litres has been recovered from a room of the
petitioner's house, whereas the remaining has been recovered
from a motorcycle standing in front of his house.

4. Learned counsel for the petitioner submits that the
allegation levelled against the petitioner is totally incorrect. No
recovery was made from his physical and conscious possession.
His name has transpired in the present case on account of false



identification made by local *chowkidar*. It is further submitted that the seized motorcycle was parked outside the petitioner's house at an open place which was accessible to all and hence, no liability can be fixed upon the petitioner. The allegation with regard to the recovery from the house of the petitioner, it is submitted that the house is a joint family property and in such view of the matter also, the liability cannot be fixed upon him. It is further submitted that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. The further submission is that the petitioner will neither abscond nor tamper with the evidence rather will cooperate in the investigation.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, I am inclined to grant the privilege of anticipatory bail to the petitioner who has no criminal antecedent. 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 learned Exclusive Special Judge, Excise 1st, Bettiah, West Champaran in connection with Nautan P.S. Case No.53 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and the further conditions that

i) One of the bailors will be family members or own close relatives of the petitioner who will give an affidavit genealogy as to how he is related to the petitioner.

ii) The petitioner shall co-operate in the trial and also in the process of investigation.

iii) The learned Court below would verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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