

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15119 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- BAIRIYA District- West Champaran

1. Lakhu Chaudhary @ Lakhu Chaudhari @ Lkhu Chaudhary Son of Late Buchhi Chaudhary @ Late Buchi Chaudhari Resident of Village- Siswa Sareya, P.S.- Bairiya, District- West Champaran
2. Arjun Chaudhary Son of Late Chaturgun Chaudhary Resident of Village- Siswa Sareya, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-04-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bairiya Police Station Case No. 37 of 2025, dated 02.02.2025, disclosing offences under Sections 274/275 of the Bhartiya Nyaya Sanhita and Section 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that on 02.02.2024, the police got secret information that the petitioners, along with other accused persons, have stored illicit liquor in the mango orchard and were transporting the same on a motorcycle. On this



information the police reached at the place of occurrence and upon seeing the police party five persons started fleeing away, however, four persons succeeded in it, but one person, namely Karan Kumar, was apprehended, who disclosed the name of the petitioners and other co-accused persons. The police then recovered 18 liters of illicit liquor from the mango orchard.

4. Learned counsel for the petitioners submits that the petitioners have been made accused on the disclosure of their names by the arrested co-accused person. He next submits that illicit liquor has not been recovered from conscious possession of the petitioners and/or from the premises belonging to them. Rather, the same has been recovered from mango orchard, which is an open space accessible to all and sundry.
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 petitioners, rather, the same has been recovered from an open space accessible to all and sundry, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioners, 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 Judge I, Bettiah, West Champaran, in connection with Bairiya Police Station Case No. 37 of 2025, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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