

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15714 of 2025

Arising Out of PS. Case No.-961 Year-2024 Thana- Excise P.S. District- Aurangabad

Bhulli Chouhan @ Sudina Noniya @ Bulli Chouhan @ Buli Chouhan Son of
Ram Narayan Chouhan @ Ramnarayan Resident of Village- Jamua, P.S.-
Madanpur, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Aurangabad Sadar Excise (Utpad) P.S. Case No. 961 of 2024
instituted for the offences punishable under Sections 30(a),
30(c), 30(d), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 108 litres
of country-made liquor, 75 litres of spirit, 500 empty bottles
have been recovered from campus of Shamshan Ghat.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner rather the recovery has been made from an open place which is accessible to public at large. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 27.01.2025 and has thirteen criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad Sadar Excise (Utpad) P.S. Case No. 961 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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