

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14840 of 2025

Arising Out of PS. Case No.-998 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

Sanjay Chaudhry Son of Wakil Chaudhary Resident of Village-Majhariya ,
P.S-Turkauliya(Raghunath Pur) , District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-05-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor 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 Act, 2016

3. As per the prosecution case, there is a total recovery
of 36 litres of foreign liquor made near the bank of Majhariya
River.

4. Learned counsel for the petitioner submits that the
name of the petitioner has surfaced in the present case on
account of the fact that he was suspected to be one of the
persons who had escaped from the place of occurrence. No
recovery has been made from the physical and conscious



possession of the petitioner and the place from where the liquor was recovered is an open space, which is accessible to all. There is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure. The petitioner has no criminal antecedent.

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

6. Considering the above facts and circumstances, 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 Excise Court-2, East Champaran, Motihari, in connection with Excise P.S. Case No.998 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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