

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16015 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- Daudnagar Excise District- Aurangabad

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Madheswar Chaudhary Son of Ramdas Chaudhary Resident of Village -
Raghunath Bigha, Koilwan, P.S. - Haspura, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Daudnagar Excise P.S. Case No. 433 of 2024 lodged on 27.12.2024, for the offence punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 12 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that recovery of liquor has been made from the petitioner's house. Counsel submits that petitioner is an old



person aged about 72 years. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is of similar nature i.e. Bihar Prohibition and Excise Act, and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that in case, petitioner surrenders before the Trial Court within four weeks from today, then the Trial Court is directed to pass order on his surrender-cum-bail application without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case considering that whether the ingredients of Excise Act has been made out against petitioner or not.

(Dr. Anshuman, J)

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