

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20884 of 2025**

Arising Out of PS. Case No.-43 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Munna Choudhary @ Amresh Choudhary S/o Chua Choudhary @ Choa Choudhary R/o Ward No. 01, Shahpur Patohi, Sahpur Parohi, P.S.- Bibhutipur, Dist.- Samastipur, Bihar- 848160
2. Chintu Choudhary @ Chintu Kumar S/o Bhola Choudhary R/o Ward No. 01, Shahpur Patohi, Sahpur Parohi, P.S.- Bibhutipur, District- Samastipur, Bihar- 848160

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                   |
|--------------------------|---|---------------------------------------------------|
| For the Petitioner/s     | : | Mr .Keshav Bhardwaj, Adv.<br>Mr. Yasg Sagay, Adv. |
| For the Opposite Party/s | : | Mrs. Shaheen Begum                                |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      23-04-2025                      Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Bibhutipur P.S. Case No. 43 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022, Amended.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 186.4 litres of IMFL/country made liquor.



4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners were not apprehended on spot and their named transpired on the basis of confessional statement of co-accused, namely, Rahul Kumar who was apprehended on the spot. It is submitted that in view of same it can be safely said that recovery was not made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner no. 1 found involved in one more criminal case of different nature where he is on bail and petitioner no. 2 is a man of clean antecedent.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact that, recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four



weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise I, Samastipur/concerned Court, where the case is pending in connection with Bibhutipur P.S. Case No. 43 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

