

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22549 of 2025

Arising Out of PS. Case No.-794 Year-2024 Thana- WAJIRGANJ District- Gaya

Manish Chaudhary @ Manish Kumar S/O Late Sanjay Chaudhary @ Late Santosh Chaudhary R/O Village- Kenar Paharapur, P.S- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Prakash

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-04-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Wazirganj Police Station Case No. 794 of 2024, dated 21.10.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police got secret information that huge consignment of illicit liquor has been brought by four wheeler and has been kept near the water tank at Paharpur. On the basis of said information, the police proceeded towards the place of occurrence and on seeing ther police, 3-4 persons started fleeing away and succeeded in fleeing away. Upon search, the police



recovered 800 liters of country made liquor from near the water tank.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of disclosure of his name by the spy. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or premises belonging to him; rather, the same has been recovered from near the water tank of the village, which is open space accessible to all and sundry. He further submits that similarly situated co-accused persons, namely, Vijay Yadav (by order, dated 29.01.2025, passed in Criminal Misc. No. 90251 of 2024) and Shankar Yadav (by order, dated 05.03.2025, passed in Criminal Misc. No. 14890 of 2025) have been granted anticipatory bail by this Court.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner; rather, the same has been recovered from near water tank of the village, which is open space accessible to all and sundry and the similarly situated co-accused persons have been granted



anticipatory bail, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. V, Gaya, in connection with Wazirganj Police Station Case No. 794 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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