

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21603 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BIHPUR District- Bhagalpur

Golu Choudhary @ Sumit Kumar S/o Vijay Chaudhary R/o Vill.- Amarpur,
P.S.- Bihpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihpur P.S. Case No. 45 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 45.750 litre foreign liquor was recovered from Litchi/Mango orchard of one Vijay Chaudhary. Local people disclosed that the alleged liquor belonged to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is



on bail. He further submits that the place of recovery is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner has no concern with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that mandatory provisions of Section 103(4) of the B.N.S.S. has not been followed. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge Excise-01, Bhagalpur in connection with Bihpur P.S. Case No. 45 of 2025, subject to the



conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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