

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21717 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- BAIRIYA District- West Champaran

Saheb Chaudhary @ Shaheb Chaudhary S/o Bharat Chaudhari @ Bharat
Chaudhary R/o Vill.- Siswa Saraiya, P.S.- Bairiya, Distt.- West Champaran
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bairiya P.S. Case No. 37 of 2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 80 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor appears to be recovered from a mango orchard, which is an open place and accessible by general public. It is submitted that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is further



submitted that petitioner has been implicated in this case only for the reason that he was found involved in four criminal cases of similar nature, in which he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 37 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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