

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25022 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- Excise P.S. District- Banka

Nitesh Kumar Choudhary, aged about 35 years, Male, S/o Pramod Kumar Choudhary @ Pramod Choudhary, Resident of Vill.- Mahadevpur, P.S.- Rajoun, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2025 Heard Mr. Dhananjay Kumar Pandey, learned counsel appearing on behalf of the petitioner and Ms. Shaheen Begum, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Banka Excise P.S. Case No. 110/25 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 7.950 litres of illicit liquor was recovered from a motorcycle, belonging to the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further



submitted that petitioner has been made accused being the owner of the said motorcycle. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and the said motorcycle was being driven by co-accused Prince Kumar Singh, who is brother-in-law of the petitioner and petitioner had no idea that that his brother-in-law was carrying liquor on the said motorcycle. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner and also the fact that petitioner has clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-2, Banka / Concerned Court in connection with Banka Excise P.S. Case No. 110/25, subject to the conditions as laid down under Section 482(2) of the BNSS.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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