

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27515 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- HISUWA District- Nawada

1. Manoj Chaudhary @ Modi Chaudhary S/o- Gohi Chaudhary Village-
Fulwariya Ps- Hisua Dist- Nawada
2. Bablu Kumar S/o- Ramswaroop Chaudhary Village- Fulwariya Ps- Hisua
Dist- Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-05-2025 At the very outset, learned counsel for the petitioners submits that prayer for anticipatory bail of petitioner no. 2 has already been dismissed as withdrawn vide order dated 07.05.2025.

2. Heard learned counsel for the petitioner no. 1, namely, Manoj Chaudhary @ Modi Chaudhary and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 147 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, 35 litre illicit country



made liquor was recovered from mustard field situated beside the brick kiln of Rajo Thekedar. Mahal chowkidar disclosed the name of petitioner and other who fled away from the spot.

5. 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. Learned counsel submits that alleged recovery has been made from mustard field situated beside the brick kiln of Rajo Thekedar and said mustard field as well as brick kiln does not belong to the petitioner. He further submits that place of recovery is an open place and same is accessible to all and petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

7. 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, namely, Manoj Chaudhary @ Modi Chaudhary, 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 Exclusive Special Excise Judge-1, Nawada in connection with Hisua P.S. Case No. 147 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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