

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27309 of 2025**

Arising Out of PS. Case No.-970 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Sitaram Choudhary, S/O Dularchandra Chaudhary, R/O Village Kharaon  
Bujurang, Post- Kharaw Kala, P.S.- Sahar, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      06-05-2025                      Heard learned Advocate appearing on behalf of the  
  
petitioner and the learned Additional Public Prosecutor for the  
  
State.

2. The petitioner apprehends his arrest in connection  
with Excise P.S. Case No. 970 of 2024, registered for the  
offences punishable under Sections 30(a), 32(1) & 32(3), 41(1)  
& 41(2) of the Bihar Prohibition and Excise Act, 2016 and Bihar  
Prohibition and Excise Amendment Act, 2022.

3. In case of vehicle checking the police intercepted a  
Maruti Suzuki Dzire car bearing registration no. JH01CH-9691  
and apprehended one Ritesh, who is said to be driver of the  
vehicle. In course of search, total 46.140 liters Indian made  
foreign liquor was recovered, leading to preparation of the  
seizure list. The petitioner is said to be owner of the vehicle in



question.

4. Learned Advocate appearing on behalf of the petitioner contended that in fact on the fateful day the vehicle was taken away by the driver to bring some household articles and the petitioner was not knowing this fact that his vehicle has ever been used for illicit purpose, moreover, there had never been any consent or participation in the crime. Only on account of the petitioner being owner of the vehicle, his name has been implicated in this case. There is no other material collected during the course of investigation, which suggest his complicity, as also the fact the petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the use of the vehicle of which the petitioner is the owner for illicit purpose speaks loud.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case on account of he being owner of the vehicle, however during the course of investigation nothing has come which suggest the complicity of



the petitioner in crime, coupled with his fair antecedent and the absence of material which attract the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Court No. 2, Kaimur at Bhabua in connection with Excise P.S. Case No. 970 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

