

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27617 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- BARUN District- Aurangabad

Mithun Chaudhary @ Tuntun @ Mithun @ Tuntun Chaudhary Son of Umesh Chaudhary @ Umesh Sahni Resident of vill- Bhuiya Tola, Keshav Mela, PS- Barun, Dist- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Barun P.S. Case No. 102 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of involved in sale of illicit liquor; the police conducted raid and apprehended three women. However, noticing the police party, other accused persons including the petitioner succeeded in fleeing away. In course of search, total 45.71 lts. of illicit liquor and 3 lts. of Beer were recovered from all the three apprehended persons.



4. Learned counsel for the petitioner contended that only because of the petitioner being husband of co-accused Manisha Devi, from whose possession allegedly 7.4 lts. of country made liquor, 14.31 lts. of Indian Made Foreign Liquor and 3 lts. of Beer were recovered, his name has been implicated. It is further contended that, in fact, the wife of the petitioner was engaged in selling cold drinks and snacks material, but during the course of raid, certain incriminating material including the illicit wine was recovered from her nearby shop and her name has also been implicated. The petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the anticipatory bail application of the petitioner is not maintainable in terms of Section 76(2) of the Bihar Prohibition and Excise Act (for short 'the Act, 2016').

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the illicit wine nor there has any recovery from his whereabouts, coupled with the fair antecedent and the absence of any material, which



attracts the provision under Section 76(2) of the Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.-I, Aurangabad in connection with Barun P.S. Case No. 102 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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