

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32113 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- ASHTHAWAN District- Nalanda

1. Nago Chaudhary Son of Late Bole Choudhary @ Late Bale Choudhary Village -Fatehpur PS -Ashthawan District -Nalanda
2. Rajesh Chaudhary son of Shanker Chaudhary Village -Fatehpur PS -Ashthawan District -Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Asthawan P.S. Case No. 73 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, informant got secret information that petitioners are preparing and selling illicit liquor in an abandoned house situated at village-Fatehpur. On the said information, informant along with other police officials reached there. It is alleged that after seeing the police team, two persons managed to escape. It is further alleged that 11.5 litre



illicit country made liquor was recovered from the said abandoned house. Mahal chowkidar disclosed the name of petitioners who fled away from the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. He further submits that except disclosure of Mahal chowkidar, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from possession of the petitioners. Petitioners were not found on the place of occurrence. He further submits that place of recovery is an open place and same does not belongs to the petitioners and petitioners cannot be held responsible for the alleged recovery. Petitioners have no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners,



argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-V cum Special Judge, Excise-1, Bihar Sharif, Nalanda in connection with Asthawan P.S. Case No. 73 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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