

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31466 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- Excise P.S. District- Rohtas

Sanjay Kumar Choudhary S/o Khub Lal Choudhary R/o Village- Ward No. 32, Choudhary Tola Dehri, P.S.- Dehri (Town), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Roy, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Case No. 22 of 2024 arising out of Excise P.S. FIR No. 11 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. On receipt of secret information, the police intercepted a tempo bearing registration no. BR-24PA-5385. In course of search, total 45 liters of country made liquor was recovered. The driver of the tempo was apprehended at the place of occurrence.

4. Learned Advocate for the petitioner contended that only on account of the petitioner being registered owner of the tempo, in question, his name has been implicated in this case. In



fact, the tempo, in question, was being run for carrying the passengers and transportation of goods and the petitioner was not knowing this fact as to whether his tempo has ever been used for illicit purpose. The petitioner has no concern with the recovered illicit wine. Moreover, the petitioner having fair antecedent undertakes that he will fully co-operate in the proceeding of the Court. There are other infirmities in the search and seizure, coupled with the non compliance with the provisions of Sections 103 and 105 of the BNSS.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a tempo, which was run for the purpose of carrying passengers and goods, coupled with the fair antecedent and the absence of the materials which attract the provisions provided 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.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge Excise-1, Rohtas at Sasaram in connection with Excise Case No. 22 of 2024 arising out of Excise P.S. FIR No. 11 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik 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)

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