

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30982 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- KOCHAS District- Rohtas

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Dharmendra Chauhan @ Dharmendra Chaudhary S/o- Radheshyam
Chaudhary @ Radheshyam Chouhan Village- Kochas PS-Kochas Dist-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kochas P.S. Case No. 41 of 2025, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018/2022.

3. The allegation against the petitioner is of involved
in trade of illicit wine. The police on a secret information
conducted raid and apprehended one Md. Azad Mansuri. In
course of search, total 40 liters of country made mahua liquor
was recovered. The apprehended person disclosed that the
recovered liquor was to be supplied to the petitioner.

4. Learned Advocate for the petitioner contended that



admittedly the alleged recovery has been made from Md. Azad Mansuri and only on a disclosure made by the apprehended person, that the liquor was to be supplied to the petitioner, his name has been implicated in this case without there being any substantive material. The false implication of the petitioner cannot be ruled out as he is facing three criminal antecedent of identical nature, wherein the petitioner has already accorded bail. Further submissions has been made that save and except the disclosure made by the apprehended person, there is no material suggesting his complicity. Further infirmities have also been shown in the search and seizure, as also the non compliance of Sections 103 and 105 of the BNSS.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the criminal antecedent of the petitioner, as disclosed in paragraph no. 3 speaks loud and pointing towards the involvement of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no recovery of any incriminating articles much less illicit wine from the whereabouts of the petitioner, coupled with the infirmities in the search and seizure, as also the fact that except



the disclosure made by the apprehended person, there is no other material as also the lack of substantive material attracting the rigors 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 2, Rohtas at Sasaram in connection with Kochas P.S. Case No. 41 of 2025, 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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