

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32464 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- TETERHAT District- Lakhisarai

Upendra Chaudhary S/o Etwari Chaudhary R/o Village- Gulni, P.S.- Tetarhat,
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tetarhat P.S. Case No. 34/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of total 5 liter illicit country made liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears four criminal antecedent in which he is on bail. He further submits that the said recovery was made from the joint house of the petitioner and the



petitioner cannot be held liable for the same. Basically, the petitioner has been roped in a case one case after another in a routine manner. The petitioner was not found on the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. He further submits that seizure list has not been prepared as per law and there is no independent witness of the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Court of learned



Additional Sessions Judge-II cum Exclusive Special Court
No.2, Excise Act, Lakhisarai in connection with Tetarhat P.S.
Case No. 34/2025, subject to the conditions as laid down under
Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that in the event if the
Investigating Officer of the case files an application before the
learned trial court bringing to its notice that the petitioner despite
giving assurance to this Court are not co-operating in the
investigation, in that event, the learned trial court shall be at liberty
to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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