

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31390 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- BARUN District- Aurangabad

1. Umesh Choudhary S/o Late Hari Chaudhari R/o Village- Keshav Market, Bhuiyan Toli, PS- Barun, Distt- Aurangabad
2. Bhola Choudhari S/o Late Nepali Choudhary R/o Village- Keshav Market, Bhuiyan Toli, PS- Barun, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barun P.S. Case No. 146 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 205 litres of liquor has been recovered out of which 109 litres has been recovered from cartons.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners were not apprehended on the spot. The name of the petitioner transpired in this case on the basis of disclosure made by the co-accused persons who were apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioners rather the recovery has been made from an open place. The petitioners have got no concern with the alleged recovery of liquor. The petitioner no.1 has one criminal antecedent whereas petitioner no. 2 has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barun P.S. Case No. 146 of 2025, subject to the conditions as laid down under



Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita,
2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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