

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31774 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- PATNA CITY CHOWK District- Patna

VIJAY KUMAR @ RAUDI S/o Chanardip Rai @ Chandradip Rai R/o vill -
Kaimashikoh, P.S.- Chowk, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending arrest in connection with Chowk P.S. Case No. 92 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 13.2 liters of country made Mahua liquor from the cow-shed of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner was not found at the place of occurrence. The place from where the alleged recovery has been made is an



open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. There is no compliance of section 103(4) and (5) of the B.N.S.S., and as such genuineness of the the entire prosecution story is doubtful. Petitioner is not in any way connected with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of three cases in which he is already on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes 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 arrest or surrender 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 Exclusive Special Court of Excise, Patna City, Patna in connection with Chowk P.S. Case



No. 92 of 2025, subject to the conditions as laid down under
section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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