

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31743 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- Excise P.S. District- Nawada

Chhotu Kumar @ Rahul Kumar S/O Vijay Ravidas R/O Village- Prasadbigha,
P.S- Nawada, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Prasad, Adv. Mr. Rajnish Kumar, Adv. Ms. Sweta Burnwal, Adv.
For the State	:	Mr. Sanjay Kumar Pandey, 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 his arrest in connection with Nawada Excise P.S. Case No. 129 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on the basis of secret information police reached at the spot and apprehended two persons, namely, Jitendra Prasad Keshri and Chintu Kumar. It is alleged that from possession of both apprehended co-accused persons, total 11.700 litre foreign liquor, 2.400 litre country made liquor and 1 litre beer have been recovered. Apprehended co-accused persons disclosed that seized liquor has been



brought at the behest of the petitioner from Bengal.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of four cases, out of which in three cases he is on bail. He further submits that except disclosure of apprehended co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession or house of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State 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 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 Exclusive Special Excise Court-2, Nawada in connection with Nawada Excise P.S. Case No. 129 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

