

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35323 of 2025

Arising Out of PS. Case No.-493 Year-2024 Thana- MUFFASIL District- West Champaran

Vidhyanand Chaudhary S/o Prabhu Chaudhary R/o Village- Uttari Patjirwa,
P.S.- Pujaha Patjirwa, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bettiah Muffasil P.S. Case No. 493 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 840 litre spirit and a mobile phone were recovered from the scorio in question bearing registration no. BR 21 B-6705.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the mobile which was recovered from the scorio in question. Learned



counsel submits through para 12 of the bail petition that petitioner is not the owner of the vehicle in question. He further submits that seizure list was prepared on 31.08.2024 at about 00.05 A.M but the FIR has been instituted on 31.08.2024 at about 01.20 A.M but case number has been mentioned in seizure list prior to lodging of the FIR which primarily raises suspicion and questions the genuineness of the prosecution story. There is no compliance of Section 103 of B.N.S.S. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner has no concern with the alleged recovered liquor. There is no compliance of Section 103 of the B.N.S.S. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Apart from that, petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of 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, keeping in view clean antecedent of the petitioner, 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 Special Judge, Excise, Bettiah, District-West Champaran in connection with Bettiah Muffasil P.S. Case No. 493 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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