

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36152 of 2025

Arising Out of PS. Case No.-217 Year-2022 Thana- AMAS District- Gaya

Raju Kumar @ Raju Chaudhary S/O Radhuvir Chaudhary @ Raghubir Chaudhary Resident of Village- Nawadih, P.S.- Hanterganj, District- Chtra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Amas Police Station Case No. 217 of 2022, dated 12.06.2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that a person is coming on a motorcycle, carrying illicit liquor, started vehicle check and saw two persons coming on a motorcycle from river side, who, on stopped, tried to flee away but the police apprehended both of them and recovered 09 litres of illicit liquor kept on the motorcycle



in blue-black bag. The apprehended persons disclosed that they had purchased the illicit liquor from the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the apprehended persons. He further submits that there is discrepancy in the First Information Report and the seizure list inasmuch as in the First Information Report, it is nowhere mentioned that the police proceeded to raid the house of the petitioner, but in the seizure list, it is mentioned that the police recovered 14.85 litres of illicit liquor from the house of the petitioner. He further submits that the petitioner has got no concern with the illicit liquor recovered.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the discrepancy in the First Information Report and the seizure list and the fact that the name of the petitioner transpired in this case on the basis of disclosure of his name by the arrested co-accused persons, I am inclined to grant the petitioner privilege of anticipatory bail.



- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya, in connection with Amas Police Station Case No. 217 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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