

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34700 of 2025

Arising Out of PS. Case No.-233 Year-2025 Thana- Excise P.S. District- Lakhisarai

Sandip Chaudhary S/o Mahendra Chaudhary Resident of Village- Bakiyabad,
Ward No 6, P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Excise P.S. Case No. 233C of 2025 lodged on 15.04.2025 under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 44.5 litres of Desi wine and 120 Kg Jawa Mahua (which was destroyed on spot) are the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of petitioner. The alleged recovery has been made from the bush near the field of the petitioner. Counsel further



submits that antecedent of the petitioner is not clean. There is one criminal case pending against him and he is in custody since 16.04.2025.

5. Learned APP for the State opposes the prayer for bail and fairly submits that recovery of desi wine has been made at a public place.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in the case i.e., Excise P.S. Case No.260C of 2023, which is pending against him, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court-II, Lakhisarai in connection with Excise P.S. Case No. 233C/2025, subject to the following conditions as laid down under Section 480(3) of the BNSS.

(Dr. Anshuman, J.)

Siddharth
Sagar/-

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

