

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35686 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- EKMA District- Saran

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1. Rahul Chaudhary S/o Late Prabhu Chaudhary Resident of Village- Parsagarh Chaudhry Mohalla, P.S.- Ekma, District- Saran
 2. Jai Prakash Chaudhary @ Chhotu Chaudhary S/o Parmeshwar Chaudhary R/o Village- Parsagarh Chaudhry Mohalla, P.S.- Ekma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. Petitioners are apprehending arrest in connection with Ekma P.S. Case No. 122 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on secret information that petitioners are going towards Parsagadh Bazar on scooty carrying illicit liquor, police reached at the place of occurrence. On seeing police, two persons fled away from the place of occurrence. There is alleged recovery of 275 liters illicit liquor from the scooty in question. The local chowkidar disclosed the



name of the petitioners, who are said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioners are innocent and has committed no offence as alleged in the first information report. Petitioners have no concern either with the scooty in question or with the seized illicit liquor. Except disclosure of local chowkidar, there is nothing on record to connect the present petitioners with the alleged occurrence. Petitioners were not found at the place of occurrence. No incriminating article has been recovered from possession of the petitioners. Petitioner no.1 bears criminal antecedent of four cases in which he is already on bail except in Ekma P.S. Case No. 117 of 2025. Petitioner no. 2 has clean antecedent. Learned counsel submits that on account of having criminal antecedent of four cases petitioner no. 1 has been implicated in one case after another without any basis. 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 petitioners, 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 1st Special Judge, Excise, Saran, Chapra in connection with Ekma P.S. Case No. 122 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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