

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35328 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- BAHERA District- Darbhanga

Amarnath Choudhary S/O Late Ram Bahadur R/O Village- Dharaura, P.S-
Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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 Bahera P.S. Case No. 93 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, there was alleged recovery of 108.75 litre foreign liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that alleged place of recovery is joint house property and petitioner cannot be held liable for the same. Petitioner is not found at the place of occurrence. Petitioner has no



concern with the alleged recovered liquor. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. 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 Exclusive Special Excise Judge-II (Excise Act)
Darbhanga, in connection with Bahera P.S. Case No. 93 of
2025, subject to the conditions as laid down under Section
482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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