

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36316 of 2025

Arising Out of PS. Case No.-309 Year-2023 Thana- PARAIYA District- Gaya

Chandan Kumar, S/o Sohrai Das, R/o Village- Naya Bazar, P.S.- Sherghati,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brijmohan Das, Advocate Mr. A. K. Pandey, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 Heard Mr. Brijmohan Das, learned counsel for the

Petitioner and Mr. Binod Kumar No. 3, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Paraiya P.S. Case No. 309 of 2023 dated 27.08.2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act (in short ‘Excise Act’).

3. The main submissions advanced by petitioner’s
counsel are that the instant matter relates to the recovery of 40
litres *Mahua* liquor from two motorcycles though one
motorcycle stands registered in the name of petitioner in the
present time but in actual, the petitioner is not the owner of the
same as he has sold it in favour of one Md. Abid Khan on
08.10.2022 and in this regard, an agreement was also prepared



by them of which copy has been filed as Annexure-2 with this petition. It is further submitted that as per prosecution story, two persons were riding on the alleged motorcycles who were identified by the local *chowkidar* and the petitioner is not said to have been present with the said riders and one co-accused namely, Yogendra Chaudhary who is alleged to have been riding on the alleged motorcycle at the relevant time of the recovery, has been granted anticipatory bail by the then co-ordinate Bench of this Court vide order dated 02.12.2023 passed in Cr. Misc. No. 77322 of 2023. It is lastly submitted that the petitioner has fair and clean antecedent, has never remained involved in any kind of activity prohibited under Excise Act.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in



connection with Paraiya P.S. Case No. 309 of 2023, subject to
the conditions as laid down under Section 482(2) of the
B.N.S.S.

(Shailendra Singh, J)

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