

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37091 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- NARDIGANJ District- Nawada

Chhotu Chaudhary S/O Kameshwar Chaudhary Resident Of Village- Ichua
Ps- Nardiganj District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-06-2025 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 Nardiganj Police Station Case No. 380 of 2024, dated 24.10.2024, disclosing offence under Section 30(a)/30(d) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that the police, while on patrolling, received secret information that the petitioner and other accused persons were indulged in manufacturing and selling of illicit liquor near water canal in forest area of village Ilucha. Upon such information, the police party reached at the place of occurrence and on seeing the police party, six



persons started fleeing away and succeeded in the same.

The police recovered 45 liters of country made liquor near the water canal and also recovered utensils.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of secret information and name of the petitioner has been disclosed by the local Chowkidar. He next submits that illicit liquor has not been recovered from conscious possession of the petitioner, but the same has been recovered from near water canal in the forest area which is open space accessible to all and sundry. He further submits that no other articles except some utensils, used for manufacturing of illicit liquor, has been recovered from the place of occurrence.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that recovery of illicit liquor is not from conscious possession of the petitioner, but the same is from open space accessible to all and sundry, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court II, Nawada, in connection with Nardiganj Police Station Case No. 380 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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