

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39007 of 2025

Arising Out of PS. Case No.-340 Year-2025 Thana- Excise P.S. District- Aurangabad

Chandan Kumar Chauhan @ Chandan Kumar @ Chandan Chauhan S/O
Sitaram Chauhan R/O Vill.- Mahuari, P.s.- Nabinagar, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-06-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Aurangabad Excise P.S. Case No.340 of 2025 lodged on 26.03.2025, for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, the total recovery of 25 litres of Chulai liquor has been made from a motorcycle, which is 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 also submits that the said recovery has not been made from



conscious possession of the petitioner and his name has been transpired at the instance of unknown enemy. Counsel further submits that criminal antecedent of the petitioner is clean. He further submits that the said motorcycle belongs to him, but he was riding at the time of alleged recovery.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of District and Sessions Judge-cum-Exclusive Special Judge Excise-II, Aurangabad, in connection with Aurangabad Excise P.S. Case No.340 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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