

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42457 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- BHAGWANGANJ District- Patna

Chhote Chaudhary S/O Late Rajballam Chaudhary R/O Village-Khainia, PS-
Bhagwanganj, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanganj P.S. Case No. 62 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, total 30 liters liquor was recovered from jute sack at the bank of river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession.



The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused recorded before the police which has no evidentiary value in the eye of law. He further submits that the alleged recovery of illicit liquor has been made from an open place which is easily accessible to public at large. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Kamalesh Singh @ Kamalesh Prasad has been granted regular bail by this Court vide order dated 15.05.2025 passed in Cr. Misc. No. 32215 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, 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 bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagwanganj P.S. Case No. 62 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

