

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42580 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- ITARHI District- Buxar

Papu Chauhan Son of Lalan Chauhan Resident of Village - Pasahara, P.S.-
Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Itarhi P.S. Case No. 82/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 6.6 liters country made *mahua* wine from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears one criminal antecedent in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from



the possession of the petitioner. The petitioner has no concern with the seized liquor. Seizure list has not been prepared as per law. He orally submits that the alleged recovery was made from the half constructed house of the petitioner which is accessible to all and the petitioner cannot be held liable for the alleged recovery. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that alleged place of recovery belongs to the petitioner.

6. Considering the facts and circumstances of the case, 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 Court of learned Special Excise Court No.1, Buxar in connection with Itarhi P.S. Case No. 82/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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