

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45928 of 2025

Arising Out of PS. Case No.-159 Year-2025 Thana- EXCISE MAHARAJGANJ District-
Siwan

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Guddu Chaudhary, S/O Late Butai Chaudhary, Resident of Village- Ramapali,
PS- Maharajganj, Distt-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate
For the Opposite Party/s : Mr. B.N.Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-08-2025 Heard Mr. Rajiv Kumar, learned counsel for the

petitioner and Mr. B.N.Pandey, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Maharajganj Excise P.S. Case no. 159 of 2025 instituted for the offence under Sections 30 (a), 30(c) and 32(3) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from a room of the petitioner, altogether 225 liters of country made liquor and 800 litres of jawa mahua was recovered.

4. Learned counsel for the petitioner has submitted that the house from where recovery has been made is half constructed house but he does not disown the house. He is



also having criminal antecedent of five cases out of which four are of similar nature.

5. In this case since illicit liquor has been recovered from inside the house of the petitioner, it cannot be said that the excise act is not attracted.

6. Considering the Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar** reported in **2019 (2)PLJR 1089 (F.B.)**, the prayer of anticipatory bail application of the petitioner is not maintainable, hence stands rejected.

7. However, the petitioner is hereby directed to surrender before the trial Court within a period of four weeks and pray for regular bail and if the petitioner surrenders within the stipulated time, the trial Court will consider his bail on its own merit on the same day without being prejudiced by the present order.

(Ashok Kumar Pandey, J)

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