

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47109 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- PHULWARIYA District- Gopalganj

Rahul Chauhan S/o Shambhu Chauhan R/o Village- Bedupar, Aharmali, P.S.-
Tareya Sujan, District- Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Phulwariya P.S. Case No. 142 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 72.00 liter illegal country-made liquor from the gunny bag
which was loaded on the seat of Pulsar motorcycle bearing
Regd. No. UP57BL-9295.

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 is the owner of the alleged motorcycle. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. 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 Ramnaresh Chauhan has been granted regular bail by this Court vide order dated 10.07.2024 passed in Cr. Misc. No. 48139 of 2024.

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 as also the petitioner having no criminal antecedent, 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 Phulwariya P.S. Case No. 142 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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