

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65966 of 2025

Arising Out of PS. Case No.-641 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Kanhaiya Chaudhary S/O Late Chait Chaudhary Resident of Village- Karinga Musahari, P.S.- Muffasil, Dist.- Saran
2. Gorakh Chaudhary @ Ajay Kumar Choudhary S/O Fulen Chaudhary Resident of Village- Karinga Musahari, P.S.- Muffasil, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the parties.

2. The petitioners apprehends their arrest in connection with Muffasil P.S. Case No. 641 of 2024 registered for the offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution story, on 25.10.2024, while on patrol near Naini temple, the informant received a tip that several individuals, including Vyas Mahto, Baki, Mato, Gorakh Chaudhary, Hareram Mahto, Kanhaiya Chaudhary, and Tunna Chaudhary, were manufacturing and selling illegal liquor behind their houses in Killagdu Madha. After informing senior officers, the police team raided the area near the houses of Kanhaiya and



Gorakh Chaudhary. On seeing the police, some persons fled, and though chased, they escaped using the water route. Locals identified the absconding persons as Kanhaiya Chaudhary and Gorakh Chaudhary (petitioners). As per the F.I.R. and seizure list, 20 liters of illicit liquor is alleged to be recovered from Kanhaiya Choudhary and 25 liters of illicit liquor is alleged to be recovered from Gorakh Chaudhary.

4. Learned counsel for the petitioners submits that the illicit liquor has been seized from the backyard of the house, which is an open space and accessible to all. The petitioners are in no way connected / related to the recovered illicit liquor or the house in question. Learned counsel for the petitioner fairly submits that the petitioner Nos.1 and 2 have two criminal antecedent of similar nature in which they are on bail in the said cases.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and / or premises belonging to the petitioners and the petitioners, though have criminal antecedent of similar nature, are on bail in the



said cases, accordingly, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Saran Chapra in connection with Muffasil P.S. Case No. 641 of 2024 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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