

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52096 of 2025

Arising Out of PS. Case No.-789 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Chhotu Kumar S/O Ram Dyal Mahto R/O Vill.- Bhawanipur, P.S.- Kudhani,
Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 12-08-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 789 of 2025 registered on 18.06.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution, total recovery of 411.120 liters Indian Made Foreign Liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is contended that the petitioner is not named in the F.I.R., and his name has surfaced in the present case only on the basis of the confessional statement of co-accused Mukesh Kumar. There has been no recovery of any liquor either from the possession or



from the house of the petitioner. It is further submitted that, apart from the present case, the petitioner is an accused in two other criminal cases.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner is an accused in two other criminal cases of a similar nature, which indicates that he is engaged in the trade of illicit liquor.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Excise P.S. Case No. 789/2025, pending before the learned Exclusive Special Judge Excise Court No.II, Muzaffarpur is hereby rejected.

6. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, considering the ingredients of the Excise Act against the petitioner, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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