

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53679 of 2025

Arising Out of PS. Case No.-254 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Upendra Chauhan @ Upendra Kumar Son of Arjun Chauhan R/O Vill-
Purnadih, P.S.- Muffasil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 254 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The case of the prosecution is that Police has recovered total 100 litres of illicit country made liquor from the house of the petitioner.

4. Learned counsel for the petitioner submit that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He



further submits that petitioner was not even apprehended on the spot. His name has come in the F.I.R. on the basis of statement made by co-accused. He further submits that as a matter of fact, the alleged recovery of illicit liquor has been made from the open place outside the house of the petitioner which is accessible to one and all and the petitioner has no concern with the seized liquor. He further submits that the petitioner is involved in only one criminal antecedent which has been described in paragraph 3 of the application and in the said case the petitioner is on bail. There is also non-compliance of section 103 of the BNSS which creates serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 14.07.2025 without any rhyme and reason.

5. On the other hand, learned APP appearing for the State vehemently opposes the prayer for regular bail of the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and also taking into account the period of custody of the petitioner and in fact that nothing has been recovered from his conscious possession of the petitioner, further taking into account the fact that the petitioner has been made accused on the



basis of statement made by co-accused, this Court is inclined to grant the privilege of bail to the petitioner.

7. Let the petitioner above named, is directed to be released on bail on furnishing bail-bond 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 Muffasil P.S. Case No. 254 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed

(Alok Kumar Sinha, J)

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