

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55989 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Raj Kumar Chaudhary, S/o Kedar Choudhary, Resident of Village- Pajaundha
Dangra, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Sherghati P.S. Case No. 31 of 2025 for the offence registered under Sections 30 (a) & 32(3) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per the prosecution case, there is recovery of 35.125 litres of foreign liquor was made from the motorcycle parked near Chhinari Bridge at Barachatti police station.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has no concern with the seized liquor. It is further submitted that the petitioner parked motorcycle near Chhinari Bridge and nothing has been recovered from the motorcycle or from the conscious possession of the petitioner. There is no



independent witness to the seizure list despite the fact that the time of recovery is 11.45 am. There is violation of provision under Section 103 of the BNSS. Petitioner was not present at the place of occurrence. Petitioner has one criminal antecedent in which he is on bail. Petitioner undertakes to cooperate in the investigation of this case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Excise Sherghati P.S. Case No. 31 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Sunil Dutta Mishra, J)

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