

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56992 of 2025

Arising Out of PS. Case No.-289 Year-2024 Thana- HASPURA District- Aurangabad

1. Sanjay Chaudhary S/o Nanahaku Chaudhary R/o Village - Koilwan, P.S -
Haspura, District - Aurangabad
2. Madhesh Chaudhary S/o Nanahaku Chaudhary R/o Village - Koilwan, P.S -
Haspura, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered under Sections 30(a), 41 of Bihar Prohibition & Excise Act.

3. As per the prosecution case, 40 litres of country-made liquor was recovered from the bag kept on motorcycle bearing Registration No. BR 26W 3849 and two persons riding on the said motorcycle fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the disclosure statement of owner of seized motorcycle during the investigation. Petitioners are not FIR named accused. Further submission is that petitioners have no



concern either with the seized illicit liquor or with the seized motorcycle. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have clean antecedent. There is no compliance of Section 103 of B.N.S.S. as there is no independent witness to the seizure list. Petitioners undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise-II, Aurangabad in connection with Haspura P.S. Case No. 289 of 2024, corresponding to G.R. No. 1647 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Sunil Dutta Mishra, J)

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