

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60264 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- BRAHMPUR District- Buxar

Vikrama Choudhary S/o Late Bihari Choudhary R/o Vill- Nimez, P.S.-
Brahmpur, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Brahmpur P.S. Case No. 115/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, on secret information the informant and police personnel reached at the village of Nimez at Teak garden and recovered 51.66 liters foreign liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Name of the petitioner has been transpired in this case on the basis of secret information and the source of secret information has not been divulged in the FIR, which questions



the authenticity of the FIR and the petitioner cannot be held liable for the alleged recovery. The said Teak garden from which the recovery was made, is joint family property. The alleged place of recovery is open place which is accessible to all. The petitioner bears two criminal antecedent in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned



Special, Excise Court No. 2, Buxar in connection with
Brahmpur P.S. Case No. 115/2025, subject to the conditions as
laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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