

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63184 of 2025

Arising Out of PS. Case No.-237 Year-2025 Thana- NEMDARGANJ District- Nawada

Vikash Kumar @ Vikash Chaudhary S/o Shyamdeo Chaudhary R/o vill -
Sanokhra, P.S.- Nemdarganj, Distt.- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Nemdarganj Police Station Case No. 237 of 2025, dated 09.07.2025, disclosing offence under Section 30(a)/41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. The prosecution story, as per the First Information Report, the police, received secret information that co-accused Shyamdeo Chaudhary, along with his family members was hiding illegal country-made liquor in his cow-shed. Upon which, the police party proceeded to the place of occurrence and saw some persons fleeing away, however, one person co-accused Shyamdeo Chaudhary was



apprehended, who disclosed the names of other co-accused persons, namely, Gore Chaudhary and the wife of Pappu Chaudhary, including the petitioner, as those who managed to escape. Upon search of the cow-shed, 350 liters of illicit country-made liquor was recovered from a drum buried under the ground. On further inquiry, Shyamdeo Chaudhary disclosed that his sons Gore Chaudhary and the petitioner used to bring liquor from Jharkhand and sell it.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and his name has transpired in the present case due to disclosure by the arrested co-accused Shyamdeo Chaudhary. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from cow-shed, which does not belong to the petitioner and the same is open space accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that name of the petitioner has transpired on the basis of disclosure made



by arrested co-accused Shyamdeo Choudhary and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge I, Nawada, in connection with Nemdarganj Police Station Case No. 237 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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