

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59839 of 2025

Arising Out of PS. Case No.-195 Year-2025 Thana- BABUBARHI District- Madhubani

1. Mukesh Kumar @ Mukesh Chaudhary, S/o- Baijnath Chaudhary @ Baidayanath Chaudhary, resident of Village- Basha, P.S.- Babubarhi, District- Madhubani.
2. Bhogi Chaudhary @ Bhogendra Chaudhary, S/o- Garib Chaudhary, resident of Village- Basha, P.S. - Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate.
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Babubarhi P.S. Case No. 195 of 2025 dated 22.05.2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 52,835 litres of illicit Nepali liquor has been recovered from the back side of the house of Mukesh Choudhary (petitioner No. 1) and as per further case of the prosecution, it was the petitioners who were indulged in illegal business of illicit liquor.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that recovery of illicit liquor has been made from an open space and not from the house of the petitioners. The entire case of the prosecution is based on suspicion and there is no cogent material to connect the petitioners to the alleged offence. He also submits that no *prima facie* case is made out against the petitioners and hence, the present petition is maintainable and the petitioners deserve to be enlarged on anticipatory bail.

5. It is also stated in paragraph No. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioners have clean antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their



furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Babubarhi P.S. Case No. 195 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

S.Ali/-

U		T	
---	--	---	--

