

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65642 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- EXCISE GOGRI District- Khagaria

Kiran Chaudhary S/o Late Rajendra Chaudhary Resident of - Keshav Chowk,
Ward No.- 18, P.S - Maheshkhunt, District - Khagaria, Bihar Pin - 851213

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar, Adv. Mr. Prashant Kumar, Adv.
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gogri Excise P.S. Case No. 69 of 2025 registered for the offence punishable under Section 30(a) & (c) of Bihar Prohibition and Excise Act, 2016 (Amendment 2018).

3. As per prosecution case, on the basis of secret information, 25 litre country made liquor and other apparatus were recovered from the land in question and nearby people and local chowkidar disclosed the name of petitioner and other, who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. Petitioner bears no criminal antecedent. He further submits that source of information and name of nearby people have not been disclosed in the FIR which questions the authenticity of the prosecution story. He further submits that due to inimical term with local chowkidar, name of petitioner has been falsely implicated in this case. He further submits that place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. Petitioner is not owner of the land in question from which alleged recovery has been made. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Section 103 of BNSS has not been complied. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, 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 Exclusive Special Excise Judge-II, Khagaria in connection with Gogri Excise P.S. Case No. 69 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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