

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63484 of 2025**

Arising Out of PS. Case No.-40 Year-2025 Thana- Excise P.S. District- Kishanganj

Shambhu Domi Choudhary @ Shambhu Choudhary S/o Domi Chaudhary @  
Domi Choudhary, Resident of 1935 Hingna Road, Amar Nagar, P.S.- Nagur  
(Urban), District- Napur, Maharashtra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      24-09-2025                      Heard Mr. Amal Kumar Sinha, learned counsel  
  
appearing on behalf of the petitioner and Ms. Shaheen Begum,  
  
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Special Case No.44 of 2025 arising out of Madhya Nisedh  
P.S. Case No. 40 of 2025 registered for the offence(s)  
punishable under Section 30(a) and 32(3) of the Bihar  
Prohibition and Excise Act.

3. As per the allegation made in the FIR, during  
vehicle checking by the police, 288 litres of illicit liquor was  
recovered from a vehicle bearing Registration No.MH46P-2237  
and driver of the said vehicle was apprehended. Petitioner is  
said to be owner of the seized vehicle.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and he has been made accused in this case, being the owner of the vehicle in question, which was given by the petitioner to his driver in good faith and the same was being driven by him at the time of said incidence and, as such, the petitioner had no idea that he was carrying liquor on the said vehicle. Petitioner has no concern with the seized liquor. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and also the fact that petitioner has clean antecedent, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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 Judge, Excise-II, Kishanganj / Concerned Court in connection with Special Case No.44 of 2025 arising out of Madhya Nisedh P.S. Case No. 40 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

**(Purnendu Singh, J)**

Sanjay/-

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