

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64251 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- BARACHATTI District- Gaya

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Mahesh Chaudhary S/o Kali Chaudhary, R/o Village-Kurmawan, P.S -
Barachatti, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barachatti P.S. Case No.08 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation against the petitioner is of involved in selling of illicit wine; the police raided the house of the petitioner and recovered total 10 lts. of country made liquor.

4. There is complete denial of prosecution story. Learned Advocate for the petitioner contended that had the recovery been made from the house of the petitioner, there would have been signature of any of his family members over the seizure list. However, the seizure list witnesses are



none else but the police personnel and, as such, the entire prosecution story appears to be *malafide*. It is further contended that the house from where recovery has been made does not belong to the petitioner and moreover there is complete defiance of the provisions prescribed for making seizure of illicit wine, inasmuch as no videography has been done. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that recovery from the house of the petitioner clearly attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016').

6. Regard being had to the submissions made on behalf of the parties and noticing infirmities in the search and seizure, coupled with the submission of the petitioner that the house does not belong to him; hence, the provisions prescribed under Section 76(2) of the Act, 2016 is not attracted as also the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Exclusive Special Excise, Court No.-5, Gaya in connection with
Barachatti P.S. Case No.08 of 2025, subject to the condition as
laid down under Section 482(2) of the BNSS, with further
condition that one of the bailors shall be the own/close family
members of the petitioner.

(Harish Kumar, J)

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