

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65425 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- Excise P.S. District- Kishanganj

Bablu Choudhary S/O Udai Choudhary R/O Ward no. 09, Churli Haat, P.s.-
Galgaliya, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

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 Kishanganj Excise P.S. Case No. 294/2025 registered for the offences punishable under Sections 30(a)/32(3) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there was alleged recovery of 6.750 liters illicit liquor from the bag of co-accused Azad Kumar who was apprehended on the spot alongwith Honda motorcycle bearing Registration No. WB74BC5289.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as



the owner of the said Honda motorcycle. Basically, co-accused Azad Kumar is the cousin of the petitioner who took the said motorcycle and misused the same. He further submits that the petitioner has no knowledge regarding the alleged illicit liquor. The petitioner bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of 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 Court of Exclusive
Special Judge Excise-II, Kishanganj in connection with
Kishanganj Excise P.S. Case No. 294/2025, subject to the
conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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