

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65722 of 2025

Arising Out of PS. Case No.-263 Year-2025 Thana- EKMA District- Saran

1. Bittu Chaudhary @ Bittu Kumar Chaudhary @ Bittu Kumar S/O Late Suresh Chaudhary R/O Village- Ganjpar, Police Station- Ekma, District- Saran
2. Vikash Chaudhary @ Bittu Kumar Chaudhary @ Vikash Kumar S/O Late Suresh Chaudhary R/O Village- Ganjpar, Police Station- Ekma, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Ekma P.S. Case No. 263 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, 40 litre country made liquor was recovered from the bag in question and Mahal chowkidar disclosed the name of petitioners, who fled away from the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR. Petitioner no. 1 bears criminal antecedent of two cases in which he is on bail. Petitioner no. 2 bears criminal antecedent of one case i.e. Sadar Excise P.S. Case No. 37 of 2022 wherein fine was deposited and case has been closed. He further submits that just because of criminal antecedent of the petitioners, they have been falsely implicated in this case without any basis. Except disclosure of Mahal chowkidar, who has inimical term with the petitioners, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from possession of the petitioners. Petitioners were not found at the place of occurrence. Petitioners have no concern with the seized liquor. There is no compliance of Section 103 and 105 of BNSS. Place of recovery is an open place and hence, petitioners cannot be held responsible for the alleged recovery. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners 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 petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking



into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Act-1, Saran at Chapra/ concerned court in connection with Ekma P.S. Case No. 263 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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