

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65781 of 2025

Arising Out of PS. Case No.-99 Year-2020 Thana- Excise P.S. District- Gopalganj

Ramu Kumar Chauhan Son of Kalpnath Chauhan Resident of Village - Baroi
Beli, P.S.- Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., 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. Petitioner is apprehending arrest in connection
with Excise P.S. Case No. 99 of 2020 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, there is alleged
recovery of 22.200 liters of illicit country made liquor from the
motorcycle having no number plate.

4. Learned counsel for the petitioner submits that
petitioner is not named in the first information report and his
name has surfaced during investigation as the owner of the
motorcycle in question. Petitioner was not found at the place of
occurrence. It is submitted that as per the version of the F.I.R.



the motorcycle in question was standing beside the Purklesh village and the same was seized by the police. It is submitted that inference can be drawn that motorcycle in question was seized by the police with ulterior motive and petitioner cannot be held liable for the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. There is no compliance of section 103 Cr.P.C. as both the seizure list witnesses are police officials. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of two cases and in both the cases petitioner is already on bail. It is submitted that because of having criminal antecedent petitioner has been falsely implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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, 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 arrest or surrender



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge IV-cum-Special Excise Court No. II, Gopalganj in connection with Excise P.S. Case No. 99 of 2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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