

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66658 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Sunil Chaudhary S/o Late Vijay Chaudhary R/o Village- Sherghati, P.S.-
Sherghati, District- Gayaji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner seeks bail in connection with Excise P.S. Sherghati Gaya Case No. 244 of 2025 registered for the alleged offences Sections 30(a), 32(3) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, from the e-rikshaw being driven by this petitioner, recovery of 100 liters of country made *chulai* liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is the driver of e-rikshaw and some passenger kept the liquor in the e-



rikshaw and the petitioner has no knowledge about the same. The mandatory provisions of Section 103 BNSS was not followed while making search and seizure. Due to previous antecedent, the petitioner has been made accused in this case but the antecedent of the petitioner is of the year 2017-2020. The petitioner is in custody since 15.08.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. III, Gaya/court concerned in connection with Excise P.S. Sherghati Gaya Case No. 244 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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