

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69382 of 2025**

Arising Out of PS. Case No.-5 Year-2025 Thana- MANPUR District- Nalanda

Murari Kumar @ Murari Chauhan S/o Late Shivnandan Chauhan R/o Village  
- Prabhu Bigha, P.S - Manpur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      13-10-2025      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Manpur P.S. Case No. 05 of 2025, Excise Case No. 80 of 2025 registered for the offences punishable under Sections 30(a), 33, 34, 35(c), 35(d), 36, 41, 44 of the Bihar Prohibition and Excise Act, 2016/2018.

3. As per prosecution case, 20 litre Sprit, 1 litre chemical, one bottle foreign liquor and apparatus used for manufacturing the illicit liquor were recovered and co-accused Dhaniya Devi, Shanti Kumari and Chhotu Kumar were apprehended on the spot. Apprehended co-accused Dhaniya Devi disclosed the name of the petitioner and other who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that the place of recovery is joint house of apprehended co-accused Dhaniya Devi and petitioner cannot be held liable for the alleged recovery. He further submits that except disclosure of the said apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner was not found at the place of recovery. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been 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. Petitioner bears no criminal antecedent. He further submits that on similar and identical allegation, co-accused Purushotam Kumar @ Purushotam Chauhan has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 35950 of 2025 and on the principle of parity, petitioner also deserves anticipatory bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that name of petitioner has been surfaced in this case upon the



disclosure of co-accused Dhaniya Devi and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail by the Co-ordinate Bench of this Court, 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 13<sup>th</sup> Additional Sessions Judge-cum-Special Judge, Excise 2<sup>nd</sup> Bihar Sharif (Nalanda) in connection with Manpur P.S. Case No. 05 of 2025, Excise Case No. 80 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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