

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72463 of 2025

Arising Out of PS. Case No.-1659 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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Shashi Kumar @ Shashi Chaudhary @ Shashi Upadhyay S/o Satrudhan Chaudhary Resident of Village- Sadatpur Kolhua Paigambarpur, P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 1659/2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120 (B) of the I.P.C. and sections 30, 36 and 41 of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 441 liters foreign liquor from Tata 207 vehicle in question. Apprehended co-accused Satrudhan Choudhary disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner bears criminal antecedent of five cases, out of which in three cases he is already on bail and learned counsel for the petitioner orally submits that in rest two cases he is also on bail. The petitioner has been roped in a case one after another in a routine manner. 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 the owner of the said vehicle. 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. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the name of petitioner finds place in the FIR and the petitioner cannot escape from the allegation made in the FIR.



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 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 Exclusive Special Court Excise-I, Muzaffarpur in connection with Ahilyapur P.S. Case No. 1659/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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