

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84658 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- GAYA MUFASIL District- Gaya

Raju Chaudhary, S/o Munshi Chaudhary, R/o Village- Bhadeja, Bhadeji, P.S.-
Muffasil Gaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-12-2025 1. Heard Mr. Brijmohan Das, learned counsel for
the petitioner and Mr. Manoj Kumar, learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Muffasil P. S. Case No. 179 of 2025 dated 24.02.2025
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the recovery of the alleged
liquor is said to have been made from the Government paine,
Bhind which is an open place accessible to everyone and as per
the prosecution, the seizure witnesses have disclosed the role of
the petitioner and the co-accused in allegedly keeping the liquor
at the said place but none of them has claimed to have seen the
petitioner either keeping or storing the alleged liquor at the said



place, so, without any basis or admissible evidence the petitioner has been made accused, so, the alleged offence under the Bihar Prohibition and Excise Act does not even prima facie attract against the petitioner, and his prayer is not hit by the provisions of Section 76(2) of the said act. It is lastly submitted that two co-accused carrying similar nature of allegations have already been granted anticipatory bail by the coordinate Bench of this court vide orders dated 20.05.2025 and 18.06.2025 passed in Cr. Misc. No. 32932 of 2025 and Cr. Misc. No.36703 of 2025 respectively.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but he fairly accepts that the recovery of the alleged liquor was made from an open place, namely Government paine, Bhind.

5. In the facts and circumstances of this case and considering the above submissions, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Muffasil P. S. Case No. 179 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of the Court concerned,
subject to the conditions as laid down under Section 482(2) of
the BNSS.

(Shailendra Singh, J)

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