

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82680 of 2025

Arising Out of PS. Case No.-1059 Year-2025 Thana- Excise P.S. District- Aurangabad

Vijay Chaudhary @ Vijay Kumar S/o Shivdatt Choudhari R/o Village- Badki
Eraki, P.S.- Madanpur, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 1059/2025, G.R. No. 1892 of 2025, F.I.R dated 02.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, On 02.10.2025, ASI Rahmat Jaman of the Excise Police Station, Aurangabad, filed a case based on information that illicit liquor was being sold near the Magadh Brick Kiln by the Keshar river. When police reached the spot, two individuals attempted to flee. One of them, Anil Chaudhary, was arrested, while the other, identified as Vijay Chaudhary, escaped. Anil allegedly threw away a bag containing illicit liquor before being caught. Although several



locals gathered at the site, none agreed to serve as witnesses. Police recovered about 30 litres of spirit from the bushes near the brick kiln, as detailed in the FIR.

4. Learned counsel for the petitioner submits that the seized liquor is stated to have been recovered from Magadh Brick Kiln situated near the Keshar river, which is an open place and access of general public cannot be denied, while this petitioner has clean antecedent and his name was transpired on the basis of confessional statement made by *Vijay Chaudhary* and the seized liquor is in no way connected with the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid, this petitioner is engaged in doing labour service for earning his livelihood, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge of Excise-II, Aurangabad in connection with G.R. No. 1892/2025 arising out of Excise P.S. Case No. 1059 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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