

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82421 of 2025

Arising Out of PS. Case No.-52 Year-2024 Thana- Aunsi District- Madhubani

Raju Choudhary Son of Raj Kumar Choudhary @ Raja Choudhary Resident
of village - Shadhugachhi, P.S.- University, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Aunsi P.S. Case No. 52 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.09.2024 by the informant, Dhananjay Kumar Singh.

3. As per the prosecution story, the Bolera vehicle was intercepted, the person behind the wheels, Santosh Kumar was found to be in possession of 180 liters of Nepali Liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that Santosh Kumar had taken his vehicle and this he has also confessed before the police, the petitioner has no criminal antecedent and only because the vehicle belongs to him, implicated.



5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that the vehicle belongs to him.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the person in possession of whom the liquor was seized, has already been arrested, FIR is there and he do not have any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise, Madhubani in connection with Aunsi P.S. Case No. 52 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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