

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83678 of 2025

Arising Out of PS. Case No.-644 Year-2025 Thana- Excise P.S. District- Gaya

Chandan Bhuiyan @ Chandan Son of Rupchand Bhuiyan Resident of Village-
Bedauli, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Murad Ashraf, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Excise P.S. Sadar (Gaya) Case No. 644 of
2025, dated 19.06.2025, registered for the offences punishable
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

3. As per allegation, 5.25 litre of illicit liquor has been
recovered from the dicky of the motorcycle bearing
Registration No. BR-02BU-3782, Chassis No.
ME4JC94EBSDO29212 and Engine No. JC94ED3052795. As
per further case of the prosecution, two persons were riding the
motorcycle and after seeing the police, they started fleeing
away. But despite follow up, both the persons successfully fled



away and the said contraband was recovered from the dickey of the motorcycle.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is owner of the vehicle and owner of the vehicle is also one of the accused in the FIR. However, he submits that the petitioner has clean antecedent and he is no way involved in the alleged offence. He further submits that the motorcycle was given to a friend for an urgent work and the petitioner was not aware about the carriage of the said contraband in the dickey of the motorcycle. He also submits that petitioner is a young man of 28 years and his career will be spoiled, if anticipatory bail is not granted to him.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the minuscule quantity of the contraband, age of the petitioner and invoking writ jurisdiction



of this Court, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Excise P.S. Sadar (Gaya) Case No. 644 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Shoaib/Ravi Shankar

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