

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84237 of 2025**

Arising Out of PS. Case No.-253 Year-2025 Thana- NAUHATTA District- Rohtas

Sonu Chauhan S/O Ramesh Chauhan R/O Kajipur, P.S.- Nauhatta, Dist.-  
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar Singh

For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**

ORAL ORDER

2      17-12-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nauhatta P.S. Case No. 253 of 2025, F.I.R dated 23.10.2025 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 receipt of secret information by Md. Azaz Ahmad that some persons were allegedly selling and serving illegal liquor at Kajipur village, a police team conducted a raid at the said place. It is alleged that 2-3 persons were found selling and serving liquor, who fled away on seeing the police and escaped due to darkness. It is further alleged that a woman present at the spot disclosed the



name of the petitioner, stated to be her relative (brother-in-law), which was also allegedly supported by the local Chaukidar. Due to non-availability of independent witnesses, the seizure list was prepared with official witnesses, and 5 litres of country-made Mahua liquor contained in two green bottles was allegedly seized.

4. Learned counsel for the petitioner submits that the recovery has been made from an open place in front of the house of this petitioner, merely on the basis of assumption that the said articles belongs to this petitioner, and as also in the statement of chowkidar that this petitioner was found running away from his house on seeing the police. The petitioner has clean antecedent and he is a man of menace. There is no independent witness to the seized articles, thereby violating the mandatory provisions of search and seizure which is directed to be made in terms of 103 of BNSS.

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 fact that this petitioner has clean antecedent and the seized articles is no way connected with this petitioner, 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 Exclusive Special Excise Judge-II, Rohtas at Sasaram in connection with Nauhatta P.S. Case No. 253 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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