

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87776 of 2025

Arising Out of PS. Case No.-1031 Year-2025 Thana- GAYA MUFASIL District- Gaya

Baithu Chaudhary S/o Late Ramphal Chaudhary @ Late Ramfal Choudhary
Resident of Village- Bhadeji Tand, P.S.- Muffasil, District- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No.1031 of 2025, F.I.R dated 29.09.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, n the basis of confidential information, the police conducted a raid at Village Bhadeji Tand at the house of the petitioner, Baithu Chaudhary, during which one person fled from the spot and could not be apprehended, and locals later identified the fleeing person as the petitioner. During the search, the police allegedly recovered 45 litres of country-made Mahua liquor from the petitioner's house



and found about 1,500 litres of Jawa Mahua stored underground near the house, which was destroyed on the spot after preparation of a seizure list.

4. Learned counsel for the petitioner submits that the recovery of illicit mahua liquor is said to have been made from a joint house of the whole family of the petitioner. It has next been submitted that the petitioner was neither present at the place of occurrence nor was anything recovered from his possession. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act. The petitioner has two criminal antecedent akin to the instant case and he is on bail in both the said cases.

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

6. Learned counsel for the petitioner, on instructions, without accepting his guilt, proposes to deposit Rs.5000/- (Five Thousand) in the welfare account of the Advocates Association of the Patna High Court.

7. 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 the recovery of illicit liquor is said to have been made from a joint family property of the petitioner and the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 Addl. Sessions Judge cum Exclusive Judge court No.1, Gayaji, in connection with Muffasil P.S. Case No.1031 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023 and on production of the receipt showing deposit of Rs.5000/- as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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