IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87705 of 2025

Arising Out of PS. Case No.-406 Year-2025 Thana- BAIRIYA District- West Champaran

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1. Birgun Chaudhri @ Nirgun Chaudhri Son of Fenku Chaudhari R/o Village - Bagahi Nimiya Tola, P.S. - Bairiya, Distt. - Bettiah.
2. Vikash Chaudhri Son of Chandrika Chaudhri @ Chandrika Dev R/o Village - Bagahi Nimiya Tola, P.S. - Bairiya, Distt. - Bettiah.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 406 of 2025, dated 09.09.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, on 09.09.2025 secret information was received by informant that liquor traders (1) Nirgun Chaudhary and (2) Vikas Chaudhary of Baghi Nimiya Tola village were selling liquor in a sugarcane field located in

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the village's Sareh. After informing the senior officer of this information, the informant along with other police personnel reached the Sareh of Baghi Nimiya Tola village. Seeing the police vehicle, two individuals ran out of the sugarcane field and ran towards the Sareh. An attempt was made to apprehend them, but both individuals managed to escape. Laxman Paswan, a local chaukidar accompanying the team, recognized the fleeing individuals and identified them as Nirgun Chaudhary and Vikas Chaudhary. After following the due procedure, upon conducting a proper search of the sugarcane field, 20.550 liters of foreign liquor and 2 liters country made liquor was recovered from the sugarcane field, which was stored in four white plastic bags. Altogether 22.550 liters liquor has been recovered. Accordingly seizure list was prepared.

4. Learned counsel for the petitioners by referring to the seizure list submits that the recovery is said to have been made from the sugar cane field, which belongs to Jai Narain Choudhary. The said owner of the land is no way connection with the petitioner. Learned counsel for the petitioners fairly submits that the petitioner no. 1 has three antecedents, while petitioner no. 2 has two antecedents to their credit, but they are on bail.

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5. Learned counsel for the petitioners, on instruction, without accepting their guilt, proposes to deposit Rs. 5,000/- (Five thousand) each in the welfare account of the Advocate Association of the Patna High Court.

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

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 petitioners and accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

8. Considering the fact that the recovery is made from the sugar cane field, which belongs to Jai Narain Choudhary, let the petitioners, above named, be released on anticipatory bail in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge of Excise-1, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 406 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and on production of the receipt showing deposit of Rs. 5,000/-

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(Five thousand) as proposed on behalf of the petitioners.

(Ajit Kumar, J)

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