

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88415 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- Bahera District- Gaya

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Amit Kumar Choudhary S/O Vijay Choudhary R/O Village- Jaipur, P.S-
Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 116 of 2025, dated 20.08.2025 registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered 240 liters of illicit foreign liquor from the XUV 500 car bearing Regd. No. JH01BW-4765.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. He further submits that the vehicle, in question, though belongs to the petitioner but, was being driven by his driver namely Nagendra Pandey, who was said to have been



arrested with other two persons namely Rahul Kumar and Rajendra Chaudhary. It is further submitted that the petitioner is in no way connected with the alleged offence and was also not aware with regard to the incident, in question. It is further submitted that the petitioner had employed one Nagendra Prandey to earn business from the said vehicle but, in course of the same, it is said that the incident took place and Rahul Kumar and Rajendra Chaudhary, who were also inside the said vehicle, were arrested from the spot. There has been no recovery from the constructive possession of the petitioner. It is further submitted that the petitioner has no concern with the seized liquor. The petitioner is a man of means and he is ready to abide by the terms and conditions imposed in this case, in case the benefit of privilege of anticipatory bail is extended to him. Lastly, it is submitted that the petitioner has one criminal antecedent similar to the instant case but, he is on bail in that case.

5. Learned APP for the State opposed the prayer for bail.

6. Learned counsel for the petitioner, on instructions, and without accepting his guilt, proposes to deposit a sum of Rs. 5,000/- (Rupees Five Thousand Only) in the welfare account of



the Advocates' Association of the Patna High Court.

7. Regard being had to the submission made by the parties and the fact that the driver, who was driving the alleged vehicle along with others have already been arrested and the petitioner was not in any way connected with the seized article as also the fact that the illicit liquor has not been recovered from the constructive possession of the petitioner, 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 Exclusive Special Excise Judge, Court No. 05, Gaya, in connection with Bahera P.S. Case No. 116 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 and on production of the receipt showing deposit of Rs. 5,000/- as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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