

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8800 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- KATORIYA District- Banka

Rajesh Choudhary Son of Harihar Choudhary Resident Of Village - Katoriya,
Ward No 8, P.S. - Katoriya, Dist. -Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Katoriya P.S. Case No. 322 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 10 litre country made Mahua liquor was recovered from courtyard of the house of petitioner and he succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that the place of recovery is an open residential premises which was neither locked nor shown



to be under the exclusive possession or control of the petitioner and hence, petitioner cannot be held liable for the alleged recovery. Seizure list has not been made as per law. Petitioner was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that just because of having criminal antecedent, petitioner has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is FIR named accused and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge
Exclusive Excise Court-2, Banka in connection with Katoriya
P.S. Case No. 322 of 2025, subject to the conditions as laid
down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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