

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61327 of 2025

Arising Out of PS. Case No.-138 Year-2019 Thana- PHULWARISHARIF District- Patna

1. Rajesh Chauhan son of Etawari Chauhan@Etabarul Chauhan Village-Noniya Toli Govindpur Ps -Phulwari Sharif District -Patna
2. shiv Chauhan Son of Shivrath Chauhan Village- N.H. 12, Noniya Toli Govindpur Ps -Phulwari Sharif District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Phulwari Sharif P.S. Case No. 138 of 2019 for the offence registered under sections 30(a) of Bihar Liquor Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution story, the Police during patrolling, raided the place near the school and there is recovery of altogether 18 liter country made liquor from different huts beside 7 kg *Mahua* flower. This led to the FIR.

4. The case of the petitioners is that only because of criminal antecedent, implicated.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is not from the conscious possession rather from different huts, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-I, Patna in connection with Phulwari Sharif P.S. Case No. 138 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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