

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75186 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- CHAORI District- Bhojpur

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1. Lavkush Choudhary S/O Vijay Choudhary R/O Village- Babubandh Bind Toli, P.S- Chauri, Distt.- Bhojpur (Bihar).
 2. Upendra Choudhary S/O Rajdeo Choudhary R/O Village- Babubandh Bind Toli, P.S- Chauri, Distt.- Bhojpur (Bihar).
 3. Ankit Choudhary S/O Vijay Choudhary R/O Village- Babubandh Bind Toli, P.S- Chauri, Distt.- Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-11-2025 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and the allegation
is of recovery of 50 litres of liquor from bank of Banas river.

4. The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and even alleged



recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chowkidar but then it is submitted that police in mechanical manner investigates and implicates either at the instance of Chowkidar, local person, confessional statement or secret information in a mechanical manner.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Bhojpur, Ara in connection with Chauri P. S. Case No.131 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall



verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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